

REPORT

OF

THE KING'S INNS, DUBLIN, INQUIRY COMMISSION,

IN RESPECT OF

SUMS RECEIVED ON THE ADMISSION OF ATTORNEYS AND SOLICITORS,

AND

"DEPOSITS FOR CHAMBERS,"

AND OTHER MATTERS.

Presented to both Houses of Parliament by Command of Her Majesty.



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KING'S INNS COMMISSION OF INQUIRY.

REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

WE, two of the Commissioners appointed by your Majesty's Royal Commission "to inquire into and report upon the total amount of the sums received by the Honorable Society of King's Inns, Dublin, upon the admission of attorneys and solicitors, as deposits for chambers, and in what manner the same or any part thereof has been applied and disposed of, and whether any and what portion of the amount remains unappropriated to the purposes for which it was received, and whether the Incorporated Society of Attorneys and Solicitors of Ireland are in possession of suitable buildings, for the accommodation of that branch of the profession of which they are the governing body," have held several meetings—have heard counsel on behalf of the Benchers of the Honorable Society of King's Inns, and also on the part of the Incorporated Society of Attorneys and Solicitors—have taken evidence on the several matters referred to us, and have visited the buildings now occupied by the said Incorporated Society at the Four Courts, Dublin.

We originally delayed holding any meeting for some months after the issue of your Majesty's Commission, in consequence of the inability to attend, from failing health, of Mr. Hamilton, one of the Commissioners. His subsequent death deprived your Majesty's Commissioners of the benefit which they would have derived, in executing their duties, from his great intelligence and experience.

Your Majesty's Commission, however, having authorized any two of the Commissioners to conduct the inquiry, we have applied ourselves to the discharge of that duty, and beg leave to lay before your Majesty this our Report.

1. We find that from the year 1793 until 1866—when by Act of Parliament the separation in the government of the two branches of the legal profession in Ireland took place—there was paid to the Benchers of the King's Inns, by persons on admission to the profession of attorney or solicitor, the sum of £55,293 as "deposits for chambers." Appendix No. 1, p. 44-48.

2. We find that no portion of this sum was applied by the Benchers in the erection of chambers.

3. We are of opinion that the buildings at present occupied by the Incorporated Society of Attorneys and Solicitors at the Four Courts are insufficient and inadequate for their accommodation.

In addition to these answers to the specific questions put to us, your Majesty directs us to report our opinion on the several matters submitted for our consideration.

In order to do this in a satisfactory manner, it will be necessary to go briefly into an historical retrospect of the subject.

It is not necessary, however, to carry that retrospect further back than the year 1793, when the rules were made, under which the sums referred to in your Majesty's Commission were levied.

In that year the Benchers, who at that time, and afterwards until the year 1866, acted as the governing body of both branches of the legal profession in Ireland, made rules in reference to the payments to be made to them in the following terms:—

* 32. Payments to be made to, and for the use of, the Society—

SOLICITORS, in order to be admitted.		
Pay {	Fine,	£5 6 8
	Stamps,	10 0 0
	Library,	5 13 9
		£21 0 5
BARRISTERS		
Pay {	Fine,	£5 6 8
	Stamps,	10 0 0
	Deposit for chambers,	23 15 0
		£38 1 8

Appendix No. 4, p. 51.

KING'S INNS COMMISSION OF INQUIRY.

The deposit for chambers to be allowed when the gentlemen shall purchase from the Society chambers, or ground to build chambers on.

		BENCHERS.	
Five,	.	.	£11 7 6
		Attorneys, at going Apprentice—	
Pay {	Five,	.	£3 13 4
	Being sworn,	.	1 6 8
	Deposit for chambers,	.	11 7 6
			£15 7 6

"The deposit to be allowed as above."

These payments continued to be made both by barristers and attorneys and solicitors until the year 1866.

It appears that at the time these rules were made, the Benchers had been lately deprived, by Act of Parliament, of the land which they had previously held, which now constitutes the site of the Four Courts, and which was taken from them for the purpose of erecting on it the present Courts of Law and Equity, and after this expropriation of their land the Society of the King's Inns had no place of meeting, or any building for the accommodation of either branch of the profession.

In the year 1798 the Benchers acquired some land at Constitution Hill or Henrietta-street, in the city of Dublin, and proceeded to erect upon this land, in the year 1800 and subsequently, a common hall, lecture and retiring rooms, and a library, and other buildings, the advantages of which were enjoyed in common by barristers and attorneys.

These buildings are stated to us to have cost the Society, including the purchase of the site, £81,374 0s. 10d., and are still subject to an annual rent, including taxes, of £798 2s. 10d.

While these buildings were in course of erection no remonstrance seems to have been made, either by barristers or attorneys, on account of the neglect of the Benchers to build chambers; but in the year 1826, after the completion of the common hall and library at Henrietta-street, the attorneys appear to have bestirred themselves in order to induce the Benchers to build chambers for their use.

The Benchers took the matter into their consideration, and a report of a standing Committee of the Benchers, dated February the 14th, 1826, has been given in evidence before us, in which it is stated that it would be just and expedient to erect two buildings, consisting of six sets of chambers each, at Constitution Hill or Henrietta-street—one half for barristers, and one half for attorneys.

This plan appears to have been afterwards abandoned at the suggestion of the attorneys and solicitors, and in January 1831 a proposition was made by them that, instead of building chambers at the King's Inns at Henrietta-street, the Benchers should erect, on some ground which it was in their power to acquire, at the back of the Four Courts, a Solicitors' hall and arbitration chambers.

The Benchers appear to have met this proposal with a hearty assent, and, after negotiation extending over some three or four years, the site was acquired and buildings erected on it, which, besides those now occupied by the Incorporated Society, include a coffee-room open to the public, two rooms used by the Benchers and a considerable amount of space now apparently unoccupied. These buildings, including the purchase of the site, are stated to have cost the Benchers £28,436 16s. 8d., and were completed in May, 1841. The Benchers also expended in building a "Benchers' Building and Law Library for the Bar" at the Four Courts £14,706 0s. 4d., making their whole expenditure of this kind at the King's Inns and the Four Courts £125,716 17s. 10d.

In the year 1866 the connexion of the Benchers with the profession of attorneys, as its governing body, was ended by Act of Parliament, and all fees payable to the Benchers on admission to that profession ceased. The rights, however, of all solicitors and attorneys admitted before that date as members of the Society of King's Inns were unaffected by that statute, and they still continue entitled to all the advantages of such membership.

The Act of 1866 transferred the government of the attorneys and solicitors to the Incorporated Society of Attorneys and Solicitors, and that body, alleging that it represents the profession of attorneys and solicitors, lays claim to the contributions as deposits for chambers of the members of that profession towards the funds of the Society of King's Inns.

It appears by the original rule under which this sum was exacted that it was included under the general heading, as a payment made "to and for the use of the society," and the Benchers of the King's Inns state that no separate account of the application of this fund has been kept.

A sum amounting to £52,290 was received from 1792 up to Michaelmas, 1866, from barristers under a rule expressed in the same terms as that affecting the attorneys, and has been treated by the Benchers in a similar way—that is, as part of their general income.

The expenditure of the Benchers up to the present time, in the acquisition of land and the erection of buildings on it, amounts, as has been already stated, to a sum of £125,716 17s 10d. Appendix No. 4, p. 53.

All attorneys and solicitors who paid money as deposit for chambers are members of the Society of King's Inns, and as such are, equally with barristers, of right entitled to the use of these buildings, with the exception of the Law Library at the Four Courts.

It was contended before your Majesty's Commissioners, by the counsel who represented the Incorporated Society of Attorneys and Solicitors, that the aggregate of these fees was in the nature of a trust fund, of which the Benchers were trustees for the whole body of the attorneys and solicitors, and which they were bound to expend on the specific object for which, as was alleged, it was subscribed, and that the Incorporated Society of Attorneys and Solicitors now represent the interest of the *cestui que trust*.

Your Majesty's Commissioners have not been able to come to this conclusion on the evidence which has been brought before them, for the following reasons:—

1. Because if this be the true nature of the relations between the Benchers on the one side, and the attorneys and solicitors on the other, the Benchers would have been under an obligation, out of the sum of their contributions, to provide chambers for every attorney and solicitor in Ireland, and the fund is manifestly inadequate for this purpose.

2. This payment was only one out of many made "to and for the use of the society," and the terms of the condition attached to this particular fee appear to your Majesty's Commissioners to give only a personal right to each attorney, to obtain from the Benchers credit for the amount of his contribution to the fund, upon certain conditions. The words are "the deposit for chambers to be allowed when the gentleman shall purchase from the society chambers, or the ground to build chambers on." These conditions have never been fulfilled, and an attempt to fulfil them on the part of the Benchers was abandoned at the desire of the attorneys and solicitors themselves, and the conditions under which the credit was to have been allowed having never arisen, it appears to your Majesty's Commissioners that the right to exact that credit cannot be asserted now.

3. Assuming that your Majesty's Commissioners are correct in their conclusion that the right, if any, which was acquired by the attorneys and solicitors against the Benchers, under the wording of the rule in question, was a right in every case personal to the individual who originally made the payment, it follows that no claim can now be made in respect of contributions paid between 1792 and 1866, by those attorneys and solicitors who are now dead. And it besides appears that the Incorporated Society of Attorneys and Solicitors do not represent even a majority of those contributors who are now in existence. Only 429 out of 1,159 attorneys and solicitors now on the roll belong to the Incorporated Society.

Your Majesty's Commissioners are of opinion that the true solution of the question which has arisen, as to the character of these contributions, is to be found in a consideration of the condition of the Society of King's Inns at the time this rule was made.

The society had then lost, by the operation of an Act of Parliament, the landed property which it had previously held. It was not possessed of any buildings, or land upon which it might erect buildings, for the use of the members.

There can be no doubt that, at the time these rules were framed, the Benchers contemplated the erection, ultimately, of chambers on the model of the English Inns of Court, but there was at the time a necessity for other buildings for the general and corporate use of the society, which was of a more pressing character, and the Benchers appear to have applied to the attainment of these objects the revenue received "for the use of the society" generally, until these general ends were accomplished.

They appear to have adopted this course with the tacit approval of the attorneys and solicitors, for no move was made by that portion of the profession, with respect to the contributions as deposits for chambers, until after the year 1826, when the common hall library, and other buildings for the general use of the legal body—of which the Benchers were the rulers—were nearly completed.

The Benchers on that occasion showed no indisposition to carry into effect their original plan, of building chambers on their property at Henrietta-street, and, as already stated, it was abandoned at the suggestion of the attorneys and solicitors who seemed to prefer the erection of buildings which would benefit the whole body, rather than that of chambers which could only accommodate a limited number of their profession.

We are, therefore, of opinion that the Benchers have substantially—by the erection of the several buildings already referred to—performed what was incumbent on them towards the attorney branch of the profession.

The attorneys who contributed to this fund have of right all benefits from the general buildings erected by the Benchers, which barristers enjoy, with the single exception of the Law Library at the Four Courts; and they have, besides, a large amount of accommodation provided for their exclusive use.

Those who have come into the profession since 1866 have, in our opinion, no claim whatever on the Benchers, and, for the reasons already given, we do not think that the Incorporated Society of Attorneys and Solicitors has in its corporate capacity any rights against the Society of the King's Inns.

We have already stated in a previous part of our report that we consider the buildings occupied by the Incorporated Society insufficient for the convenient discharge of their business.

We have inspected the unoccupied parts of the buildings at the Four Courts, which are the property of the Benchers, and we think that a large portion of the accommodation they require might be provided by allowing the Incorporated Society to become tenants of these parts of the building. We were informed by those who represented the Benchers before us that no objection was entertained by that body to this arrangement.

All which we humbly submit to Your Majesty's most gracious consideration

MONCK.

W. R. LE FANU.

Dated at Dublin, this 5th day of February, 1872.

M. J. BARREY,

Secretary.

KING'S INNS COMMISSION OF INQUIRY.

Lord Viscount MONCK (Chairman), and Mr. WILLIAM RICHARD LE FANU (the third Commissioner, Mr. GEORGE ALEXANDER HAMILTON, was absent through illness) opened the Inquiry at two o'clock on Friday, 26th May, 1871, at No. 3, Lower Omond-quay.

Mr. PALLES, Q.C., Mr. FROST, and Mr. G. FITZGERALD, instructed by Mr. Goldsmith, appeared for the Incorporated Society of Attorneys and Solicitors of Ireland.

Mr. JOHN D. O'HANLON, Under-Treasurer of the Honorable Society of King's Inns, with Mr. GREGG, of the firm of Crozier & Son, solicitors, represented that body in the absence of the Attorney-General.

Mr. M. J. BARRY, Barrister, Secretary to the Commission, read the warrant for holding the Inquiry, as follows:—

"VICARIES, &c.

"VICARIES, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queens, Defenders of the Faith, to Our right and well-beloved counsel and counsellor CHAMBERS SHANNON VICARIES, Knights Grand Cross of the most distinguished Order of Saint Michael and Saint George, Our right trusty and well-beloved counsellor GEORGE ALEXANDER HAMILTON, and Our trusty and well-beloved WILLIAM RICHARD LE FANU, Esquires, Civil Legation, Greeting:—

"Whereas, by the several addresses here presented unto Us, by the Lord Spiritual and Temporal in Parliament assembled, praying that We would be graciously pleased to cause a Commission to inquire into and report upon the total amount of the fees received by the Honorable Society of the King's Inns, Dublin, upon the admission of Attorneys and Solicitors, as deposited for Chambers, and a what manner the same or any part thereof has been applied and disposed of, and whether any and what portion of the amount remains unexpended to the purposes for which it was received, and whether the Incorporated Society of Attorneys and Solicitors of Ireland are in possession of suitable buildings for the accommodation of that branch of the Profession of which they are the governing body.

"Know Ye, Vicararies, that We, in giving great trust and confidence in your skill, discretion, and integrity, have authorized and appointed, and do by these presents authorize and appoint you, the said CHAMBERS VICARIES, GEORGE ALEXANDER HAMILTON, and WILLIAM RICHARD LE FANU, to be Our Commissioners for the purposes, and to inquire into and report on the matters aforesaid.

"And, for the better discovery of the truth in the premises, We do by these presents give and grant to you, or any two of you, full power and authority to call before you, or any two of you, such persons as you may judge necessary, by whom you may be better informed of the matters herein referred for your consideration; and also to call for and examine all such books, documents, papers, or records as you shall judge likely to afford you the fullest information on the subject of the said Commission; and to require of and concerning the premises by all other lawful ways and means whatsoever.

"And Our further will and pleasure is that you, or any two of you, do report to Us, under your hands and seals, with as little delay as may be consistent with a due discharge of the duties hereby imposed upon you, your opinion on the several matters herein submitted for your consideration, with power to certify from time to time your actual proceedings, in respect of any of the matters aforesaid, if it may seem expedient to you so to do.

"And We do further will and command, and by these presents ordain, that the Commission shall continue in full force and virtue, and that you, Our said Commissioners, at any two of you, shall and may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not resumed from time to time by appointment.

"And, for your assistance in the execution of these presents, We have made choice of our trusty and well-beloved MESSRS. JAMES BARRY, Esquire, Barrister-at-Law, to be Secretary to this Commission, to attend you, where service, and assistance We require you to use from time to time, at such times as you may require.

"Given at Our Court, at St. James's, the Eighth day of August, Our Thirtieth Year, Hundred and Seventy, in the Thirtieth year of Our Kings.

"By Her Majesty's Command,

"H. A. BARRY."

Mr. PALLES.—I have the honour to appear on behalf of the Society of Attorneys and Solicitors, upon whose petition the present Commission was issued. It ap-

pears to me that the inquiry which is to be made under this Commission is an inquiry of an extremely limited character, and that, possibly, with a short adjournment, if the Secretary of the Honorable Society of King's Inns will furnish a continuation of returns previously obtained, everything will be before the Commissioners that will enable them to make their report. The petition that was presented by the Incorporated Society of Attorneys and Solicitors to the House of Lords, and in consequence of which this Commission was issued, was a petition which made a case of inability to recover, before the ordinary tribunals of this country, a large sum of money, which, they say, they are equitably entitled to enforce against the Honorable Society of King's Inns. Up to the year 1866, every gentleman who was admitted as an attorney or solicitor in Ireland appears to have been a member of the Society of King's Inns, and rules appear to have been made which rendered it incumbent on each attorney and solicitor to be admitted a member of the King's Inns, before he would be admitted by the Court as an attorney or solicitor. Now, it is quite unnecessary that we should consider whether those rules were authorized rules or not. It is suggested in the petition that they were not authorized, but that question is a question that cannot in any way arise before the present Commission. The relations between the Society and the profession, whether authorized or unauthorized, terminated at the year 1866, and by an Act of Parliament passed in that year, and which came into operation, I think, upon the 6th of August—the 29th & 30th Vic. 48—those relations were finally dissolved, and the Incorporated Society of Attorneys and Solicitors was placed in entire control of the profession. And by the 49th section of that Act it was provided, that on and after its passing no fees other than those authorized to be paid and received by that Act were to be payable by any persons seeking to be admitted and enrolled as attorneys and solicitors in Ireland. Now, the claim of the present body, who represent the attorneys and solicitors of Ireland, is a claim for a series of payments which have been made from year to year from 1793, and they say that those payments were made for purposes to which they never could have been applied in the events that have happened, and to which they never were applied. I should state that in a document that was issued by the Society of King's Inns, before this Commission was passed, the allegation was made that certain portions of the money were applied in a way that ought to be regarded as an equitable application of those funds, so as to discharge that Society from their obligation within the strict words of the contract, and, to a certain extent, that claim is yielded by the Council of the Attorneys and Solicitors, so is that way a question will arise now, as to the amount to which the Society of King's Inns would be entitled by way of credit against the amount of the deposits.

This inquiry may be divided under three heads. First.—The total amount of the money received by the Honorable Society of King's Inns, Dublin, on the admission of Attorneys and Solicitors, as "deposits for Chambers." Secondly.—The manner in which those sums have been applied and disposed of. And then there is what perhaps might be called another inquiry,

but which in reality is nothing but the result of the other two, namely—an inquiry as to the portion of the moneys which remains unappropriated to the purposes for which it was received. I call these the two first inquiries—the amount of money received—the manner in which it was appropriated, and the amount unappropriated or unspent. The third inquiry is whether the Incorporated Society of Solicitors and Attorneys are in the possession of suitable buildings for the accommodation of that branch of the profession of which they are the governing body. Now, that is a very simple inquiry, and if the Commissioners will be kind enough to view the actual apartments which the Society are in possession of, the mere statement of the number of gentlemen who are at present attorneys and solicitors will probably afford an answer to that inquiry. As to the first inquiry, the amount received, you have, as the starting point for the account, the resolution under which these payments were made. It bears date the 5th December, 1793, and is in these terms:—

"Each attorney shall keep chambers one half week in each term; each attorney shall keep terms at least one week in each term, not more, and one half week in each first and last week in each movable term, and at his pleasure in vacation, provided that no attorney who has been more and consistently practiced for more than twelve years, and has a creditable place of residence in England, shall be obliged to keep more than one half week in each term."

Then follow these words:—

"Payment to be made to and for the use of the Society."

"Attorneys going apartments £1 15s. 6d."

No question arises on that.

"Attorney on admission—fee,	£	s.	d.
Deposit for chambers	11	7	6

It is on that item alone this question arises; and that sum is equivalent to a sum of ten guineas.

"The deposit for chambers to be allowed when the gentleman shall purchase from the Society chambers or the ground to build chambers on."

Now it is necessary that the Commissioners should consider the legal effect of the term contained in that clause "deposit for chambers to be allowed when the gentleman shall purchase from the Society chambers or the ground to build chambers on," because the question that the Commissioners have to deal with is only one of amount; and as to that, we have, as I said, the starting point, December, 1793, when they made this sum of ten guineas payable by each attorney who was admitted; and that continued down to the 5th of August, 1840, when this payment ceased to be made. Now, the amount that had been received under that resolution, in respect of the sum of ten guineas, is stated in the petition on which the present Commission issued, to be the sum of £53,812, and, of course, the Society of King's Inns will be able to furnish the Commissioners with the exact sum, and the date in each year when the money was received, to test the accuracy of that figure, £53,812. It appears in a report that was published by the Benchers of the King's Inns in the year 1879, that the total sum received under the head of "Deposits for Chambers" from the time they were first paid to the end of last Michaelmas Term, 1878, amounted to £16,086 8s. 3d.

Mr. LEVASSUR.—To what year?

Mr. Pallen.—To Michaelmas, 1838. The amount is stated to be £46,086 8s. 3d., and there would be about £7,000 received since. Therefore, what I would suggest, in order to enable the Commissioners to finish the first part of the inquiry, is that the King's Inns should furnish, within some time that may now be agreed on, a statement of the sums that have been received from the attorneys and solicitors as and for "deposits for chambers," from the year 1793 to the 5th of August, 1886. There can be no difficulty in furnishing the return, it appears to be made to Michaelmas Term, 1838, and they must have in their books the particulars from which that sum was made up. It would also, I consider, be convenient, with respect to the case that is made by the Society of King's Inns themselves, that they should specify in the return the years in which these sums were received,

that is 1793, such a sum, 1794, such a sum, and so on, and that will enable the Commissioners to answer the first question. Also probably it would be convenient if they finished, with the return, the number of attorneys admitted in each year. The second inquiry is, in what manner the same or any part thereof has been applied and disposed of, and the necessary result of that, whether any and what portion of the amount remains unappropriated to the purpose for which it was received, because I apprehend it will not be denied by the Society of King's Inns that whatever was not properly applied and disposed of, within the meaning of the contract on which it was received, still remains in their hands unappropriated. As a matter of fact I believe that the fund in which it is retained is Government Stock, of which it appears, from returns from time to time to the House of Lords and House of Commons, the King's Inns have possessed a very considerable amount, from the year 1793 down to 1864.

It would be useless to pretend to be ignorant of what appears in these papers, that the Society of King's Inns admit that "chambers" were never built, and that therefore no portion of that sum of £53,000, which was received as "deposits for chambers," was ever applied to the purposes of building chambers, and further, that no gentleman ever had an opportunity of being allowed the amount of this deposit of ten guineas under the clause in the contract, that the deposit for chambers was to be allowed, "when the gentleman shall purchase from the Society chambers, or the ground to build chambers on." But the King's Inns Society say that certain sums were expended by them at the desire of the Society of Attorneys and Solicitors, and that that ought to be held an equitable application of the fund. I find that in their report of 1840, the way their case is put forward is this:—They say that on the 29th May, 1811, they gave possession to the Committee, who then represented the professors of attorneys and solicitors, of certain buildings that are now known as the "Solicitors' Buildings" in the Foul Court, and they say that the entire amount that was expended in the purchase of ground, and in the erection of the buildings ought to be deemed an application of so much of the fund as was then in their hands, upon foot of these deposits for chambers, and they say that the sum of money that was expended on these buildings, and on the purchase—not alone of the ground on which they were built, but of the ground on which now stand other buildings used by the King's Inns—amounted in the aggregate to £27,936 16s. 8d., together with a further sum of £500 for furniture, and they claim credit consequently for £28,436 16s. 8d. Now, it appears by papers laid before Parliament, that from a very early period the Society of Attorneys and Solicitors intimated their desire that credit should be allowed, for whatever was fairly represented by that item of £28,436 16s. 8d. But it will be necessary that it shall be shown that that sum of £28,000 was in fact expended upon the buildings, called the "Solicitors' Buildings." We are under the impression that it includes the purchase, as I have stated before, of some ground on which other buildings are built—that probably will appear by the books of the Society of King's Inns—and we object that credit should be allowed for that sum of £28,000 until the Society shall be put in possession of the entire of the buildings, or until the entire of the ground shall be given up by the Society of King's Inns, and the Solicitors' Society put into its possession. It appears that a correspondence took place between the King's Inns Society and the Society of Attorneys and Solicitors, and that correspondence lasted as late as I think as the year 1848, and in that correspondence the King's Inns Society claimed to be owners of the "Solicitors' Buildings," for they were anxious that the Society of Attorneys and Solicitors should take a lease from them of certain specified apartments in those buildings, and on the part of the Society of Attorneys and Solicitors, it appears to me that nothing can be fairer than to say, "Specify the apartments or

buildings that you wish to give us, or if you wish to give us the entire of the building known as the 'Solicitors' Buildings,' if you give us that, ascertain the entire amount that that cost, both for the purchase of the ground and the building, and let credit be given for that sum of money, but don't charge us with the entire sum you building cost, provided you only give us half the apartments in that building." The other sums of money for which credit is claimed are two sums of £4,411 15s. 6d., and £6,462 5s. 7d., making together £10,874 0s. 8d., which appear to have been expended on the building of certain lecture halls on the property of the Society in Henrietta-street, and the King's Inns Society suggest that one-half of that sum, that is, £5,437 0s. 4d., ought properly to be chargeable against the Society. Now, that was their case in 1839. But at present no such case can exist, because the relation between the Society of King's Inns and the profession of Attorney and Solicitor was dissolved in 1835. No present student of the profession of Attorney and Solicitor can have recourse to those lecture halls; they remain the property of the Society of King's Inns, properly applicable to the use of barristers and students only, and therefore I apprehend that the King's Inns Society will not now put forward a claim to credit for that sum of £5,437 0s. 4d. Now, even on the figures I have just stated, a balance would appear to be in the hands of the Society of King's Inns on foot of deposits received up to that time, namely, £16,086 8s. 3d.—a balance I say on foot of that sum of £12,219 11s. 3d., and of course they have in their hands all the amount received as deposits since.

Now, in order to enable the inquiry to be terminated as rapidly as possible (and it occurs to me that really one meeting, when we have the figures as to which there will be no dispute, will terminate the inquiry), what I would suggest would be this, that the Society of King's Inns should be asked, in case they will undertake to do so, to furnish an account, within a time agreed on, of the sums they have received in each year from 1793, on the admission of attorneys and solicitors, as "deposits for chambers," and the number of attorneys and solicitors admitted in each of those years; and then, in order to give them the widest opportunity of accounting for that money, I would suggest that, secondly, they should be asked to furnish a return of the manner in which the same has been applied and disposed of; and then, thirdly, in order that we may know how to deal with the unappropriated balance remaining in their hands, I would suggest that they should furnish an account of the Government funds, the property of the Society, in each year from 1794. Then we would ask that the Commissioners would be kind enough to inspect the buildings which have been provided for the use of the Society.

Mr. LERANE.—What is the third account you want?

Mr. PULLEN.—An account of the Government funds, the property of the Society, from the year 1794. The account that exists in respect of the third inquiry is this: there is no doubt that the money has not been applied to the personal use of the members of the Society of King's Inns—that never was suggested. They appear to have had a very large amount of Government Stock, then property, from 1794 down to the present time; and I am not speaking from outside, for it is known that have been furnished to Parliament, and in the evidence given before Parliament itself in 1846, the evidence of Mr. Adelson Lyde, the Treasurer, I find there was an amount of property in 1846, I think of £73,000, in the Government funds. The accounts since show that they receive half-yearly dividends from these Government funds; and I would gather from these dividends that about £50,000 or £60,000 would be to their credit at present. Therefore, we hope to be able to show that the dividends that they had from the year 1794 to the present time represent, or ought to be deemed to represent, the total balance which from time to time remained in their hands on foot of these "deposits for chambers" of ten guineas, there waiting, I suppose, till the time when they would be enabled to apply them in the purchase or erection of proper

chambers. I don't think there can be any objection on the part of the Society of King's Inns to furnish these details. I would ask, as in this matter unfortunately much time has been lost, (the commission was issued in August last), that the Society should furnish the returns within some short time, as short as they can do it, consistently with the convenience of their officers; and then I would ask that some day should be appointed, after these accounts are furnished, when we can enter into the subject-matter of the inquiry, and the Commissioners come to a determination upon them.

Mr. John B. O'Hanlon.—On the part of the Benchers, in the absence of the Attorney-General, I wish to say that I am not prepared to make any statement as to the return last mentioned. I understood this was merely the formal opening of the Commission, but as Mr. Pullen has made a statement I may say that I am quite prepared, on the part of the Benchers, to make a return of the sums received from 1793 to 1866 from attorneys as "deposits for chambers," specifying each year, and the amount received in each year.

Lord MOSER.—And the number of attorneys?

Mr. O'Hanlon.—And the number of attorneys who paid the deposit. It is right to add, that it will take a considerable time to do this.

Lord MOSER.—What may we understand by the words "considerable time"?

Mr. O'Hanlon.—I am occupied during term, and for some time afterwards; the return to be made would require my personal supervision, and I do not think I can have the time I have mentioned ready until the middle of June; and I confine myself exclusively to the items I have mentioned.

Mr. Pullen.—Do I understand, on the part of the King's Inns, that they decline to furnish to the Commissioners an account of the manner in which this money has been applied and disposed of?

Mr. O'Hanlon.—Certainly not.

Lord MOSER.—You will furnish that account then?

Mr. O'Hanlon.—Certainly.

Mr. Pullen.—Then the only matter is the amount of the Government funds.

Mr. O'Hanlon.—In the absence of the Attorney-General I don't like to make any statement with respect to this. I don't think personally from my own knowledge that we could be in a position to make a return of that kind. I should examine the books most carefully to be able to inform the Commissioners whether I could make such a return.

Mr. Pullen.—The return I apprehend could be obtained at the bank without difficulty.

Lord MOSER.—You will give a return of how the money was applied?

Mr. O'Hanlon.—Certainly. I cannot give a return of the number of attorneys admitted, for I have no means of doing so; the admission takes place in Court.

Mr. Pullen.—The number of attorneys that paid fees will do.

Lord MOSER.—The number that paid fees is what we want.

Mr. Pullen.—I find in the evidence of Mr. Adelson Lyde, who was examined before a committee of the House of Commons in 1846, and was then treasurer of the Society, that they had then in Government 8½ per cent stock £74,599 12s. 3d., and in the returns which the King's Inns from time to time since 1832 furnished to Parliament, there has always been a statement of the amount of dividends then to their credit. Surely there must be some record of that in the books of the King's Inns. For instance there is an item each year, brought into account against the treasurer, of dividends that have been received on stock. There can be no difficulty in obtaining the account from the Bank of Ireland.

Mr. O'Hanlon.—I am positively circumstanced. The Attorney-General is absent. I am merely the public officer of the Benchers, and I do not like to make any statement with respect to this matter. I am quite sure the Attorney-General will do everything that is proper and right. All I am in a position to do at present is to give the items of the amount paid by

Attorneys from the year 1793 to 1866, specifying the year and specifying the number of persons, and also an account of how the money has been applied. Every particular with respect to the funds that we can give I am sure will be given, but I don't like, as I have said, to undertake anything about that now.

Lord Moser.—I presume there will be no difficulty. I am sure there is no desire on the part of the Benchers to withhold information.

Mr. O'Hanlon.—None whatever; but I don't like to speak positively until we first see on the thing be done. The returns will take a considerable time.

Lord Moser.—With respect to the question of time, it may be convenient for all parties to know that I don't think I could attend here before the end of June, to hold another meeting. If Mr. O'Hanlon will be able to have his returns ready, say by the 20th of June, I think it is possible Mr. Palfes' assistants may be assisted with that arrangement too.

Mr. O'Hanlon.—Certainly.

Mr. Palfes.—I think it would be desirable to have another meeting in order to finally dispose of the matter, before the circuits go out.

Lord Moser.—I will undertake that that shall be so.

Mr. Palfes.—I think the 20th of June will do.

Lord Moser.—The circuits don't generally go out till the first or second week of July.

Mr. Palfes.—I apprehend they will furnish the returns to the Secretary to the Commission, who will give us copies. Of course, we will be obliged to be prepared with any objections we may have to the mode of application. I don't anticipate that there will be the slightest objection to any of the details, but there may be as to the mode of application.

Lord Moser.—Would it meet your convenience, with respect to time, if we make an order that on or before the 20th June these accounts should be furnished to you? then we should proceed as soon as we get the accounts to appoint a day of meeting. That will give you time.

Mr. Palfes.—Or we might appoint the day of meeting now—any day that will be convenient to the Commissioners and the Benchers.

Lord Moser.—I think when we get the returns we might fix the day—if that is your convenience; it would certainly be my convenience that we do not now fix the day of meeting.

Mr. Palfes.—We are most anxious to consult the convenience of the Commissioners, and also the convenience of the Attorney-General.

Lord Moser.—Of course you will have full notice of the time of meeting; it will be before circuit.

Mr. O'Hanlon.—I will furnish the accounts to Mr. Barry, the Secretary to the Commission, by the 20th of June.

Mr. Palfes.—Suppose there should be a necessity for any further account, I would suggest that when the Attorney-General returns he should be asked, and if he refuses to furnish it, that it should be furnished before the next meeting.

Mr. O'Hanlon.—The accounts I have undertaken to furnish will take a considerable time. My time will be very much occupied; the accounts must be framed under my personal inspection and supervision, and I really cannot undertake to furnish more by the 20th June than the items I have specified. But I am quite certain that every facility the Benchers can give they will give.

Mr. Palfes.—We want to see the money that was placed from year to year to their credit. I will ask for that account. If they won't furnish it, we can only see what is to be done. I can quite understand Mr. O'Hanlon at present not wishing to give any undertaking.

Mr. O'Hanlon.—I could not do it. When the matter is brought before the Benchers there is no information in their power that they will not afford.

[Mr. Palfes handed in a written requisition upon the Society of King's Inns.]

Lord Moser.—This is what Mr. Palfes wishes to obtain.—[Reads].—"An account of the sums received by the Honourable Society of King's Inns, from 6th December, '83, on admission of Attorneys and Solicitors, as 'deposits for chambers,' and specifying in each year the respective receipts. Secondly, an account of the manner in which the same has been applied and disposed of. Thirdly, an account of the sums in Government funds, the property of the Society, in each year from 1794."

Mr. O'Hanlon.—That last item I am afraid I will not be able to furnish by the time you have mentioned, the 20th of June, even if I have any power to make admissions on the part of the Benchers, which, in the absence of the Attorney-General, I do not wish to do.

Mr. Le Fanu.—And you want the number of attorneys?

Mr. Palfes.—Yes, I omitted that; and the number of attorneys who paid the fees. They can get from the bank books an account of the Government funds standing to their credit.

Mr. Sheehy.—The bank books will show it in a moment.

Mr. Goddard.—They will give it to you (Mr. O'Hanlon). They will give it to the person whose account it is, but to no one else.

Mr. O'Hanlon.—As I said before, I do not wish, in the absence of the Attorney-General, and appearing here merely at the formal opening of the Commission, to give any undertaking as to that account. But I am quite certain that the Benchers, if the thing can be done, will give every facility for inquiring into this.

Lord Moser.—I feel actually convinced it can be done. We will ask for it; of course, if it cannot be done the requisition will be of no use.

Mr. O'Hanlon.—You can quite understand the difficulty I am in at present. I have not had any communication with the Attorney-General, and not being prepared, this has come on me by surprise.

Mr. Le Fanu.—We don't make any order on you to furnish it. We only ask it to be furnished, and I take it for granted, if it can be furnished, it will be furnished.

Mr. O'Hanlon.—Will you kindly read the last one again?

Mr. Le Fanu.—"An account of the Government Funds, the property of the Society, in each year from 1794."

Lord Moser.—It is simply an account of the amount standing each year to your credit in the bank books.

Mr. O'Hanlon.—The Bank of Ireland I dare say will give it.

Mr. Palfes.—They will, at once, on your application. Mr. Gerald Fitzgibbon.—The bank will not give us the account, it being privileged.

Mr. Palfes.—They will give it to the King's Inns at once on Mr. O'Hanlon's application. I think it would be well if the Commissioners would arrange some time when they will inspect the buildings which the society now have for the accommodation of that branch of the profession of which they are the governing body, some time before the next meeting.

Lord Moser.—Very well, when we fix the day of the next meeting we will fix a day before that for inspecting the buildings. We have made an order that those returns should be furnished by the 20th of June, and as soon as we get them we will give notice to the parties when our next meeting is to be held. We will take the opportunity of inspecting the premises of the society at the Four Courts previously to the next day of meeting, so as, if possible, to finish the whole thing the next day.

The proceedings then terminated.

SECOND DAY.

WEDNESDAY, JULY 5TH, 1871.

The Commissioners Lord Viscount MONCK and Mr. WILLIAM RICHARD LE FANT, sat at two o'clock, at 33, Lower Ormond-quay.

Mr. M. J. Barry, Secretary, read the minutes of the last meeting, and they were signed by Lord Monck.

Lord Monck.—Before we take any proceeding to-day, I wish to state that I gather from a letter which we have received from the Treasurer of the Benchers, Dr. Bathurst, whom I see here, that there has been some misunderstanding as to what we proposed to do on the last day of meeting. We proposed to meet on the last day for the purpose of arranging our form of proceeding, and it did not exactly appear how we were to do it, unless we knew what the case on either side was, and what the subject was we were to inquire into. However, the Benchers appear not to have been represented on that occasion, from a misunderstanding of the nature of the proceeding we were to take, but I can see no harm in that, as we are ready to hear what they have to say now. Of course, Mr. O'Hanlon having undertaken to make these returns, apparently without authority from the Benchers, we only asked for them with a view to the information necessary to guide us, and we will be quite satisfied with getting them now.

Mr. POOLE.—I have the honour of appearing before you, on behalf of the Benchers, on the present occasion, on the former occasion I was unable to be here. It is quite true, as has been stated, that there was some misunderstanding on the one part or the other—it is wholly unnecessary to inquire which—with respect to the purpose of the former meeting. The Benchers were not aware that at that meeting there would be anything but merely preliminary matters gone into; but as you say, my Lord, no harm is done, and the matter is now in such a train as to give all the information the Commissioners require, and which can be afforded by us. It is to be regretted, however, that the Benchers were not represented on that occasion except by the Under Treasurer, for the case might be in a more distinct, definite, and fixed form than I am able to present it now. Although substantially, on the part of the Benchers, I will be able to bring before you all the information sought by your previous requisition. Now in the first place the inquiries, with respect to which the Commissioners have solicited information from the Benchers, appear to be threefold. One of these inquiries is with respect to the total amount of deposits from solicitors received during the time specified in the order. As to that part of the inquiry, I am in a position to be able to furnish a complete return to the Benchers, specifying each particular year, and giving the items in detail. Another portion of the inquiry is with respect to the amount of stock in the possession of the Benchers from 1794 down to 1866. As to that portion of the inquiry there is a little difficulty in complying literally with the order, but I think that the Benchers are in a position substantially to do what will suit your purpose, and if anything further be wanted they are in a position to show how that can be obtained. From 1794 down to 1823, I believe it is impossible to give these detailed returns, because, upon inquiry at the Bank it turns out that the investments did not consist of stock standing to particular credits, but consisted of debentures payable to bearer, with respect to which the Benchers are wholly unable to themselves to give the information, and on inquiry at the Bank have been unable to obtain it either. But from 1823 down to 1866 the Benchers are in a position to do what has been required of them, and the return will be handed in to you on behalf of the Benchers. It only remains, therefore, to consider the intermediate but more important portion of the inquiry which was directed on the last occasion. The terms of that inquiry, as I

understand them, are—the particulars of the application of the sums levied as “deposits for chambers.” With respect to that particular application, the Benchers are under this difficulty. They no doubt might substantially comply—they might comply, literally. I would say, with the requisition of the Commissioners by merely stating that no separate account ever was kept of the allocation of the fund, the subject of your inquiry, but that it was always treated as part of the ordinary revenue of the society, brought into account with their other sources of income, never distinguished, but dealt with, and applied by them, in what they believed to be the discharge of their duty, in the same manner as any other portion of their property. It is obvious, however, that a formal return of that kind would not be what the Commissioners want, and it is the object of the Benchers, whom I have the honour to represent, to give the fullest and most complete information on every branch of the inquiry which it is in their power to give. They saw it to themselves to do that; they owe it to the Commissioners, and they owe it to the House of Lords, by whom this inquiry was directed. Inquiry No. 2 is “an account of the manner in which the moneys have been applied and disposed of.” In order to do what the Benchers believe the Commissioners wish for, in making that return, it becomes necessary to some extent to explain the position of the Benchers with respect to the application and allocation of the whole of their funds. The Benchers, you are aware, are the governing body, and were until the year 1866, the governing body, not alone of the branch of the profession to which I have the honour to belong—the barristers—but also from time immemorial were the governing body of the whole legal profession. In the year 1866 the body of attorneys separated themselves from the control of the Benchers, and obtained an Act of Parliament. Having previously founded the Incorporated Society, in 1866 they obtained the Act of Parliament, under which they now exist as a separate body, controlling their affairs—controlling the admission to their branch of the law—having taken all this into their own hands, they exist, as I said, as a separate body. Previously to that time, however, to the registered period that the history of the profession in this country runs back to, they were under the control of the Benchers, precisely in the same manner as the laymasters had been. I don't now enter—it is not at all necessary to do so—into the question of the government of that body—whether it was a wise government or not—whether it was beneficial to the interests of all branches of the profession or not. With this we have nothing to do; but it is requisite, with respect to the application of the funds of the body, to show that both branches of the profession were completely identified, so far as their government was concerned, until the year 1866. The Benchers were in possession of a portion of land on Inn-quay now the site of the Four Courts. It was at that time called the site of the King's Inns, and it was taken from them by the Government, for Government purposes, toward the close of the last century. It is the site on which the present courts of law and equity stand. Having been deprived by the act of the legislature of that which was their sole landed property, the Benchers conceived the aim of becoming the owners of property elsewhere, and they obtained additional powers in 1798 for the purchase of land on Constitution-hill, on which their present property of King's Inns is situated. That they purchased under Parliamentary powers—under a statute—subject to the annual rate of upwards of £1,200. They had conceived the idea previously to that purchase, of acquiring land in exchange for, or rather to replace, that of which they had been deprived,

and of establishing buildings on a scale worthy of the dignity of the profession of the law in this country. Accordingly, in 1792, a series of rules had been adopted by the Benchers, which subsequently were ratified in 1794, to which rules I would ask your attention with respect to the question which came before you as to the fund called the "deposit for chambers." The 32nd rule you find to be in these words:—

"Payments to be made to and for the use of the society. Students in order to be admitted pay a fee of £5 4s 8d, stamps £10, Money £5 13s 6d. Total, £21 7s 6d. Then on being admitted £5 6s 8d, stamps £10, deposit for chambers £22 12s. Total, £68 1s 6d."

Lord Moser.—What are you reading from?

Mr. Foster.—From the 32nd rule of the Benchers of 1792—the 24th of April, 1792. That rule says—

"Payments to be made to and for the use of the society. Students in order to be admitted pay a fee of £5 4s 8d, stamps £10, Money £5 13s 6d. Total, £21 7s 6d. Then on being admitted £5 6s 8d, stamps £10, deposit for chambers £22 12s. Total, £68 1s 6d."

That is for barristers.

Mr. Le Fane.—What are the items for solicitors?

Mr. Foster.—I have not come to those yet. You have the items there—first for the students going to the profession, then for the barristers. Then comes the benchers' fee of £11 7s 6d, and now we arrive at the important part of the rule with respect to solicitors.

"Attorneys going apprentice pay a fine of £9 13s 4d, on being sworn £1 8s 6d, deposit for chambers £11 7s 6d. Total, £12 14s 2d, the deposit for chambers to be allowed when?"

Lord Moser.—The charge for deposit for chambers is common to both barristers and attorneys?

Mr. Foster.—It is common to both, with this difference, that the barrister pays £22 12s, which is equivalent to 20 guineas English, and the attorney pays £11 7s 6d, or exactly the half of that, only 10 guineas, and both these payments were made under the same rule, and although described in the schedule of payments as "deposit for chambers," they clearly come under the generic head of "payments to be made to and for the use of the society." The rule proceeds:—

"The deposit for chambers to be allowed when the graduate shall purchase from the society chambers or go on to build chambers or."

That being the rule, it was enforced from that time, so far as the Bar is concerned, uninterruptedly, down to the present time, as far as the attorneys are concerned down to the time they separated themselves from the Benchers in 1856. But at the time that rule was made, and at the time it was first enforced, it is important to observe that the Benchers had no land, that they had no ground on which to build chambers, nor had they any building suitable for chambers or otherwise. Therefore it would plainly appear that it could not be contemplated, by the rule under which that sum was imposed or paid, that it should in any respect give a right—constitute a right to a complete set of chambers to the person paying it—that the Benchers had no means of giving these, and the sum of 10 guineas would be obviously wholly inadequate for any such purpose. Taking the common sense view, and the proper one, it is plain that the real meaning of the rule, and the real intention with which the deposit was imposed, was to establish a fund out of which the Benchers could purchase building, and lands—to and for the use of the society. And in the event of chambers being established, either by the Benchers, to be let on lease as a source of permanent income, or by individuals of the profession of attorney, building upon the Benchers' property, then in that case, with a view to encourage such operations and increase the revenue of the society, this deposit for chambers was to be returned. It is called a "deposit for chambers," but it is really a payment—to and for the use of the society. Now that that was the intent with which the payment was made is perfectly plain, from the sequence in the existing state of things by the attorneys for so long a time. It was not until the year 1800, the Benchers having ac-

quired land in 1798 under Act of Parliament, that they proceeded to erect the King's Inns building. On the 15th of August, 1800, the foundation stone of the King's Inns was laid; the building was proceeded with and in course of time completed. The land which the Benchers had purchased on Constitution-hill, I may mention, was very extensive. It is possible it was not the most judiciously selected site in the world, no events have turned out. At the time it was purchased it was in the contemplation of all parties that a new street would be made running from the back of the Four Courts to Constitution-hill, which if effected would have made the site a very desirable one; but owing to changes which took place in the metropolis that plan was never carried out, and to some extent the position of the King's Inns is isolated from the Four Courts. That, however, is not the fault of the Benchers. The revenue derived from the entire income of the society, including these items, first from each barrister at the rate of 20 guineas on admission, and next from each attorney at the rate of 10 guineas, went on increasing until the Benchers were able to accomplish the first and primary object, not for their branch of the profession alone, but for the whole profession of which they were the governing body—namely, the establishment of a suitable building for the purpose of a common hall in the King's Inns, and in process of time the surplus over and above what was requisite for the purpose, already accomplished being considerable, application, about the year 1820, began to be made by the attorneys for the purpose of having something done for increasing the convenience and accommodation of their profession. In that year, 1820, a number of the attorneys—they were not incorporated at the time—but some of the attorneys presented a memorial to the Benchers stating their desire for increased accommodation, suggesting that there were funds in the hands of the Benchers applicable for the purpose of building chambers, and referring to the fee paid on being admitted attorneys. The Benchers met that application. They were desirous to have chambers erected.

Lord Moser.—When was that application made?

Mr. Foster.—In 1820. In that same year 1820, in which that first memorial of the attorneys was presented to the Benchers, there was, on the 14th of February—proceeding, I believe, in point of time the memorial—a report presented by the standing committee of the Benchers to the body of the Benchers with respect to their operations. It is not a very long document, and perhaps I had better read it. It is in these terms:—

"The Benchers having been specially summoned to attend a meeting of the standing committee on this day, for the purpose of taking into consideration the building of chambers, the undersigned Benchers having accordingly met, and fully considered the subject, they beg leave to report to the Benchers that it is their decided and unanimous opinion that it would be most wisely and highly expedient for the interests of the society, to erect two buildings, consisting of six sets of chambers each, as delineated in the plan annexed. As a consequence of a general plan of building chambers, to be refitted and executed in the manner and subject to the suggestions which they beg leave to offer for the consideration of the Benchers at large. It appears to the committee that since Easter Term, 1792, the society has required and received from each barrister called a deposit of twenty guineas for chambers, and from each attorney twice and admitted a deposit of ten guineas for chambers; that the gross amount of these moneys calculated in a general manner, and subject of course, to some errors, commencing Easter Term, 1792, and ending Michaelmas Term last, would amount to the sum of 446,174 12s 2d; that deducting thereout the gross amount of the sums expended by the society on buildings, calculated in a like general manner, and subject to like errors, and including therein the sum appropriated for the erection of the library now in progress, the balance appears to be a sum of about £16,074 5s 2d, without calculating the profits arising from the dividends received upon investments, that upon an average of ten years, ending the first day of the present Hilary Term, the annual income arising from these deposits for chambers amounts to the sum of £1,332 8s 7½d, Irish currency; that it appears to the committee that the said balance of

£11,374 1s 6d, and the said annual income, which will not probably decrease, are both funds which it would be just in the society to apply to the object under consideration, and that it would be highly advantageous and expedient for the society to apply part of its other funds, if it were necessary, to this purpose.

The report then goes on with respect to other matters, but it shows that in 1825, which was the first time they had available a substantial balance in their hands to be applied for any other purpose than those already carried out, the Benchers were ready and willing unless anxious to proceed with a plan for the construction of chambers. It appears that their intention was to build chambers at Henrietta-street, and it was their idea to buy out six sets of chambers for barristers and six sets for attorneys; but there were many and manifold inconveniences in such a course. In the first place, the site was not a convenient one; in the next place, the chambers would only accommodate very few in number of either branch of a large and numerous profession, and a vast number of the members of the profession of attorney would be left wholly without any convenience with respect to such chambers; and I may add that that plan did not appear to meet the wishes of the attorneys themselves. In the year 1830 another memorial was presented by the committee of the Irish Law Society, representing, or purporting to represent, the attorneys, in which they pointed out that it would be more convenient for them if chambers were erected at the Four Courts, where there was land at the time that might be acquired, and that it was much more desirable and convenient that chambers should be erected there than that they should be constructed at King's Inns. Accordingly, the Benchers met that day on the part of the attorney profession. Several proceedings took place. The Benchers instructed their architect, Mr. Drayle, to inquire and report as to whether there was proper and available sites for building at the Four Courts. He had several interviews with the attorneys, and he was deputed by them on the 19th of January, 1831, to request the Benchers to purchase ground at the Four Courts, and erect there a hall and arbitration chambers for the accommodation of the attorneys. Now, the memorial of 1826 with respect to chambers was probably intended at the time to refer to such chambers as the Benchers had in contemplation, namely, private chambers for individuals, and it referred to the report of the Benchers of 1826, the same in which the Benchers said that they, after having applied certain funds in the construction of the general buildings of the King's Inns, had this intention clearly before their mind, and having the fact of the application by the Benchers of a huge part of the fund which I shall presently mention to the building of the King's Inns, they then altered their mind, and instead of asking for individual sets of private chambers, in the nature of offices for private individuals, they intended that there should be a hall and arbitration rooms, which would be of use to the whole body of the profession of attorneys. That I use to show what their idea was at the time, not at all that there was any definite right in them, as individuals or otherwise, to have this ten guinea applied to chambers, but that they knew the object of the subscription was that, that it should be applied for the benefit of the general profession. No doubt they were to get value for it; no doubt it was to be received by them in some shape or another, just as the funds were to be distributed for the general benefit of the whole profession; but just as the barristers had no particular sets of chambers, and never have had up to this moment, although they have been paying this twenty guinea, never making any request for chambers, knowing perfectly well that the expenditure was to be for the general good of the profession; the attorneys who, in 1826, regarding the expenditure stated in the report of that year on the King's Inns, applied for sets of chambers, made subsequently, as I stated, another application for a general building for their own purposes. That was not in this way. In

1834 the Benchers placed a sum of £30,000 at the disposal of the treasurer, for the purpose of providing the attorneys with that accommodation which they asked, and not immorally asked, and which they got.

Lord Moser.—What is the date?

Mr. Porter.—In 1834 a sum of £30,000 was placed at the disposal of the treasurer, although, in point of fact, it was not all applied for the purpose—not all so expended—but out of that sum of £30,000 the ground at the rear of the Four Courts, which did not belong to the Benchers, was purchased by them, and out of it also the present building, which includes the admirable and beautiful hall which the solicitors possess, and the coffee-room, and arbitration chambers, was constructed. The total cost of that construction, including a sum of £100 given for furniture, amounted to a sum of £28,436 16s 8d, and that sum of £28,436 16s 8d represents substantially the buildings that are now in the possession, and the exclusive possession and control and enjoyment of the attorney profession. The coffee-room below is open to everybody, that is, as much for the convenience of the attorneys as anybody else, and the profession of the bar also. I observe by the report of my friend Mr. Paines's statement on the last day that he, on the part of the attorneys, expressed their willingness to give credit for the expenditure of that sum, or so much thereof as could be shown to be applied to the purposes of the attorneys exclusively. Now, this inquiry is not a litigation between the Incorporated Law Society and the Society of Benchers. The Benchers disclaim any such idea. They are here in the discharge of their duty, appearing before the Commissioners of the House of Lords. They are not litigating with any person; they are merely stating as it is their wish to do, in the fullest and clearest way, how they have disposed of the funds in their hands. This is not a proceeding in which they regard themselves as appearing to meet any hostile claim or hostile demand whatever; if such a claim arises, this can scarcely be the tribunal for it. I regret to say that paragraphs have appeared in the newspapers which would give the public the idea that the Benchers are here on trial with respect to the misapplication of some funds placed in their charge. I know my friend on the other side is wholly incapable of making any such case, and I believe he has not done anything of the kind. As representing the Benchers I am in a position to state that, not only are they able to account—to show there has been no defalcation with respect to any portion of this money—that there has been no misappropriation of any part of it—but, if necessary, they can account for every penny that came to their hands since the time they were constituted Benchers, or, at all events, since long before the time this inquiry is concerned with. Whatever moneys they received they can fully account for. How far the expenditure may be questioned is another matter, but I may remark, en passant, with regard to this sum of £28,436 16s 8d, and the statement of Mr. Paines that the attorneys are willing to give credit for any sum we can show to have been exclusively appropriated to, or expended for their use, that it is true that a portion of the estate purchased at that time is not built on by the Solicitors' Buildings. The purchase-money included land bought at that time, the whole of which is not in the possession of the attorneys, but while that is so, it is wholly out of the power of the Benchers to separate, and give you separate items of that which never was separated, which never was intended to be separated. If anything turns on that part of the inquiry, or the Commissioners desire to separate the items, I can suggest no means of doing so, except by employing a valuator, to which the Benchers have no objection whatever. However, I have disposed now of that item of £28,436 16s 8d. I may say that that very large sum represents—substantially represents—the buildings in the exclusive possession of the attorney profession. Now, the rest of the expenditure of the Benchers on permanent buildings has been almost altogether for purposes common to both professions. There

is one item as to which an exclusive benefit has been given, if it can be so called, to the members of the Bar—that item relates to the construction of the Law Library of the Four Courts. That library, and the Benchers' Chamber, which Benchers' Chamber ought not properly—they being the common governing body of both branches of the profession—to be considered as in any degree specially or exclusively for the benefit of the barristers, but that library and chamber cost jointly about £14,706, and except such portion of that £14,706 as is chargeable to the Law Library, no portion of the funds of the Benchers has been applied to the exclusive use of the Bar. Therefore, the branch of the profession to which I have the honour to belong has, in the shape of exclusive benefit, received something considerably less than one half the exclusive benefit the attorneys have received, while each individual barrister has contributed to this particular fund exactly double what each individual attorney has contributed. As I before said, with respect to the remaining expenditure of the Benchers' fund, the greatest portion of it was on the King's Inns, and on this building which the solicitors have for their own exclusive use. Now, let us take a view of the position of this fund. No payment has been made to the funds of the Benchers by the attorneys as a body. Individual attorneys and solicitors have paid their subscriptions. As a body they never have contributed anything towards the Benchers, and whatever possible right or possible claim any individual attorney, who contributed less than guineas, might have against the funds of the Society of King's Inns, it appears to me plain that the general body cannot, unless expressly so authorized, have any such claim, much less a body which I understand—my friend at the other side, who represents the Incorporated Society, will correct me if I am wrong—members, according to the last return, only 417 members of the profession of solicitors and attorneys, while the total number of solicitors and attorneys actually living and practicing in the country is upwards of 1,200.

Mr LE FASU.—How many do you say belong to the Incorporated Society?

Mr PATER.—Four hundred and seventeen. In fact two-thirds of the profession of attorneys have not joined and have deliberately abstained from joining the Incorporated Society. With regard to that they may be right or wrong; we have little or nothing to do with it, but it is important to bear in mind, with respect to the claims made by the Incorporated Society, that without speaking of the masses of deceased members of the profession who have died since 1794, and whose representatives, if anybody, would alone be entitled to share the benefit of this individual fee, paid by each individual attorney, only one-third of the now existing members of the profession is represented by the Incorporated Society. But the expenditure of the Benchers was for the benefit of the entire profession as a body. They constructed after the year 1800 the costly and magnificent building of the King's Inns, which I dare say you are both familiar with, and which at all events, I presume, in the course of your official business, you will desire to make yourself acquainted with. On the King's Inns the Benchers expended a sum of £43,000. They have expended a sum of £16,500 in purchasing head-rents in connexion with their property at King's Inns, and they have expended a sum of £1,411 13s. 4d. in the purchase of tenants' interests in connexion with their property of King's Inns. They have expended a sum of £11,000 in building the library of the King's Inns, and they have expended a further sum of £8,462 5s. 3d. in the construction of what is called the new wing of King's Inns; that new wing consists of retiring-rooms for barristers and attorneys, and also the lecture-rooms of the King's Inns, which are lecture-rooms for both. Besides all that they have expended a sum, I think, of £1,200 in the purchase of the house called the library house, used for the purposes of the Society, adjoining the library in Henrietta street. If you take the total

amount of the expenditure, the particulars of which I have thus indicated, including the solicitors' building at the Four Courts, you will find that the whole amount is £125,716 17s. 19d.

Lord MORICE.—We have got all the items.

Mr PATER.—Yes, you have got all the items. Now, so far as the expenditure upon by far the larger portion of the property, that is the building at King's Inns, and the purchase of the head-rents there—at the time this purchase was made, the two professions were united under the same government. These large and handsome buildings, the King's Inns, were erected for the joint use, of both professions; they always were used by both professions, they have been so, and are as up to the present moment. In England, as you are aware, it is not customary for an attorney to be a member of the Inns of Court; in fact he cannot be. In this country the contrary is the practice and rule, and the attorney from the earliest times has been a member of the Inns, sharing in the benefits of the establishment, both in the dining-hall and in the library. The accommodation for the attorneys in the dining hall is precisely the same as the accommodation for the Bar and for the law students. They dine in the same hall; have the same allowance, and have to exactly the same extent the use and advantage of that hall, and the staff of officers connected with the common, at a cost less than the actual cost to the society. They have every benefit that the barristers have in connexion with the King's Inns; they have also the use of the library upon more easy and advantageous terms than the barristers, because while the barrister has been charged a fee of five guineas for the use of the library, the attorney has paid with respect to it nothing at all, nor has he been asked anything. The common table at King's Inns is still there for the attorneys, and is still used by those attorneys who were members of the Society of King's Inns before the body withdrew themselves from that society. Every day during term these tables are prepared and set apart for their use, so that in every way, and to the fullest extent, every attorney who contributed one shilling towards this fund receives the same benefit from that hall as the members of the Bar. As regards the purchase of head-rents, of course the same observation applies—it was for the same common object and common benefit—and were an account to be taken (which cannot be) were a debtor and creditor account taken as between partners, the result would be this—that the portion who derive the most substantial benefit from the fund in the shape of exclusive enjoyment of the solicitors' building has also a common use of the remainder of the property of King's Inns. But this is not, nor can it be treated as a case of partnership. The expenditure on that building was rendered necessary by the existing state of the profession at the time; the convenience and purposes of both branches of the profession and not of one required it. The expenditure was incurred for the common benefit, the buildings and the library were erected for the common use of those for whom they were intended, and the Benchers having allocated their funds in this manner, they have allocated them as I most respectfully submit, and certainly as the Benchers most distinctly assert, in accordance with what they conceived to be their duty, and in strict accordance with the allocation of payments made "to and for the use of the society," the plain intention at the time the rule was passed being that land should be acquired and buildings should be erected suitable to the dignity of both branches of the profession. Now, matters having gone on in this manner, the attorneys having withdrawn themselves from the association of the King's Inns, and formed themselves—although two-thirds of the members are not connected with the body—into the Incorporated Society, which they had a perfect right to do—having withdrawn themselves from the control of the Benchers they now put forward this claim.

Mr LE FASU.—Are all the other members who don't

belong to the society under the control of the Benchers in any way?

Mr. Porter.—They are in precisely the same position that they always were; they have the same rights, and use the same rights, with respect to the joint property vested in the Benchers; and the Benchers say it would be a most excessive hardship if, having withdrawn themselves from the control of the Benchers, after all this enormous expenditure had been incurred for the joint benefit of both branches of the profession, the attorneys were at liberty to say, "Oh, we claim this fund, therefore pay back all the money to us—that is the Incorporated Society representing one-third of the profession—pay us back all the money that individual attorneys paid you for the common use of the society, and which was expended by you for the common use of the society, and the common objects of both branches of the profession." The Benchers think it would be an extreme and gross hardship if anything of the sort could take place. Before I part finally from the figures on this branch of the case, allow me to mention the total amount of payments made by the profession of barrister on foot of this same account. While the contributions of the attorneys amount to £55,291, the contributions of the barristers amount to £54,318—the two are almost exactly the same.

Lord Moser.—Are these contributions you have just stated "deposits for chambers?"

Mr. Porter.—Yes.

Lord Moser.—They were paid to the same account?

Mr. Porter.—Yes. Under the same head, "deposits for chambers," the attorneys' deposit for chambers amounted to ten guineas, the barristers' deposit for chambers to twenty; but the amounts drawn from both are almost identical, and you see that the total amount of expenditure upon permanent and substantial and enduring works is considerably more than the gross total of both these sums—the expenditure is £120,716. I have already mentioned the memorial of 1830. That was the memorial of the Irish Law Society to the Committee of the Benchers, on behalf of themselves and the profession of attorneys, and it is in these terms—

"Your memorialists respectfully submit that the erection of chambers suitable to the accommodation of their profession has long been an object of interest with the Society of the King's Inns, as enshrined by their rules, and the formation of a fund from payments made by attorneys upon being admitted members of this society.

"From the report made by the Benchers in the year 1826, and from other sources, your memorialists have ascertained that there are now funds under the control of the society which are fully adequate to the purchase of ground and the erection of such chambers.

"With a view to the speedy attainment of this important object they have made inquiries respecting ground which would be suitable as a site, and find that a space sufficient for the purpose may be obtained at the rate of the Four Courts, the eligibility of which (in every point of view) surpasses that of any other situation.

"Under these circumstances your memorialists humbly submit to the consideration of the Benchers, not only the necessity but the propriety of applying as much of the funds so raised and accumulated in the hands of the society as will be sufficient to purchase the ground to which allusion has been made, and then to erect sufficient and convenient chambers for their profession, according to such plan as may be thought advisable by the society; and your memorialists hope that you will be pleased to intimate to them the result of your consideration of this their most respectful memorial."

Lord Moser.—That is the memorial of 1830?

Mr. Porter.—That is the memorial of 1830. Mr. Darley, the architect of the Benchers, having been put in communication with the Law Society, there was a meeting of the society held on Wednesday, the 19th of January, 1831, for the purpose of considering the subject of erecting a hall and arbitration chambers for the accommodation of the profession, and Mr. Darley communicated with the Benchers as follows:—

"At a meeting of the Irish Law Society, held on Wednesday, the 19th instant, for the purpose of considering the subject of erecting a hall and arbitration chambers for the

accommodation of their profession, it was agreed that I should communicate to the Honorable the Benchers of the King's Inns, on their meeting this day, the objects the Irish Law Society have in view, which are in substance as follows:—First, the purchasing of ground round the Courts for the purpose of erecting chambers; secondly, their intention of appropriating the Benchers of the King's Inns to erect on such part of the ground as they think best suited to the purpose, a hall and arbitration chambers for the accommodation of the attorneys; and that the site of the ground on which these buildings shall stand be purchased by the Benchers of the King's Inns in order that it shall become the property of their honorable society. I beg leave to remark that the Committee of the Irish Law Society thought it right, as I should make this communication as directed, to submit them in ascertaining whether there is at the present any ground round the Courts, the property of the Society of King's Inns, on which this hall could be erected and I have to report that there is no space eligible for any building purposes.

"2nd January, 1831."

It was after that communication that the present chamber and building now in the possession—the exclusive possession—of the Incorporated Law Society were constructed. Another branch of the inquiry before the present commission is whether any—

Lord Moser.—Have the attorneys represented by the Incorporated Society, and who, we understand, have no connexion with the Benchers officially—have they the use of the library at King's Inns now?

Mr. Pallen.—No.

Dr. Satterly.—Yes.

Mr. Porter.—I am instructed they have.

Lord Moser.—Of course the attorneys who paid their fees have it as a matter of right, but what about the attorneys who came in since and did not pay the fees?

Mr. Pallen.—They have not the privilege of entering the library.

Mr. O'Hanlon.—But they are allowed to do so.

Lord Moser.—We want to know what the fact is—what is admitted on both sides?

Dr. Satterly.—The state of affairs is this, no attorney pays or ever did pay, but all the attorneys are admitted to the library, and so are the apprentices on the recommendation of their masters.

Lord Moser.—I understand from Mr. Porter's statement that the attorneys never paid any admission fee to the library, but what I want to know is—has there been any change since 1806, and what is the condition of affairs as regards the library.

Dr. Satterly.—There has been no change.

Mr. Pallen.—The way the matter stands is this. Every attorney admitted before 1806 was a member of King's Inns, and in that capacity was entitled to enter the library. Attorneys admitted since 1806 are not members of King's Inns—

Dr. Satterly.—But they are not excluded; they deprived themselves of the right as a matter of choice.

Lord Moser.—It is merely the matter of fact I want to know.

Mr. Porter.—The way it stands is this. All members of the King's Inns are entitled to, and all members do receive the free use of the library. Every attorney in legal existence before the Incorporated Society, of course, has, as a matter of right, the absolute use of the library; he belongs to the Society of King's Inns, and therefore has the use, as of right, of the library. The members of the profession who have ceased voluntarily to be members of the King's Inns have by their own act ceased to have the legal right, but as regards the use of the library, I am instructed to say that it can be used by them without objection in the fullest way—

Dr. Satterly.—And by their apprentices.

Mr. Porter.—And by their apprentices. And it is not in any sense the fault of the Benchers that the attorneys have severed their connexion with the King's Inns. Now, another branch of the inquiry is with respect to whether any and what portion of the amount remains unappropriated to the purpose for which it was received—and then there is the remaining inquiry

whether the Incorporated Society are in possession of suitable buildings or not. That is a matter as to which they will make such case as they think fit; but as to whether any and what portion of the amount remains unappropriated to the purpose for which it was received, I perceive it is as to that portion of the inquiry that the return of the funds in the possession of the Benchers was directed. Now, the Benchers have funds which are portion of accumulations from time to time of their income—in income now, in consequence of the accession of the attorneys, very much diminished indeed; while, at the same time, substantially, the whole of the expenditure necessarily has remained the same. So far as the ground-rent is concerned that large item remains exactly where it was, and the amount of charges on the property of the society, even after the purchase of head-rents, is close on £800 a year, including taxes. About £719 I believe is the head-rent, and the balance, up to £798, or within a pound or two of £800 altogether, is the charge on foot of head-rent and taxes. All the other charges in respect of the extremely large property in the hands of the Benchers—salaries, repairs, wages, gas, coal, and matters of that kind, that amount in the year to a very large sum, and, most of necessity be precisely the same as they were when the society had larger funds to meet them than under existing circumstances they have; and, at present, to fit these there being any portion of the society's funds not applied or applicable to the purposes for which they were brought into existence, it requires the most rigid and close-packing economy on the part of the Benchers to enable them to meet and defray the current expenses of the establishment, out of their sources of revenue. I know there is a common idea that the society is extremely rich. I am not certain, indeed, that I had not that idea from popular rumour myself. Another idea is that the Benchers perhaps divide something like a large dividend at the end of the year.

Mr. Paines—I never heard that before.

Mr. Porter—So far from that being the case the Benchers have voluntarily taxed themselves, for some years past, for the purpose of supporting their own common table in the hall of the society. In addition to paying the tax of ten guineas a year for entering into the society, the Benchers have voluntarily taxed themselves to the extent of five guineas a year further, for the purpose of providing their own table, when they dine in the hall as the governing body of the society, and even with every exertion that they have been enabled to make, the funds at their disposal, which must go to defray actual expenses, together with every other source of fixed revenue that they have, is insufficient to meet the fixed outlay that they have—the fixed and necessary outlay, salaries of officers, wages of attendants, charges and repairs, head-rent and taxes. One source of the Benchers' income is more or less fluctuating. One operation of a recent statute, the Irish Church Act, is that a considerable number of gentlemen have come to the bar more than in former times, and a current, a temporary current, of prosperity has, to a very slight extent, contributed to enable the Benchers to keep their heads above water, but they have been unable to do anything more, and if any portion of the funds belonging to the body was withdrawn from their control, the objects of the society, for which it was originally established, would necessarily be defeated, and the institutions of King's Inns must be closed. For at present they have no property not absolutely requisite for the purpose of maintaining and upholding the establishment created by the Benchers for the common good of both professions, in the manner I have detailed. Having explained at some length the facts, which I did not know well how to abbreviate, I am prepared now, on the part of the Benchers, to hand in to you the returns of the amount of the payments "to and for the use of the society," as the "deposits for chambers" received for barristers from Hilary Term, 1794, to the present time, and the amount of payments "to and for the use

of the society," as "deposits for chambers," received from attorneys. These two accounts I think it fair should go together, although you only asked for one of them. There is the return also of stock. You will find in 1805, the last year of the returns, that the total amount of stock standing to the credit of the Lord Chancellor, the Lord Chief Justice, and the Master of the Rolls, is £51,539 17s. That substantially complies with the requisitions. We give the return of stock from the earliest date we are able to give it. As regards the remaining returns, with respect to which I have detained you at such length, the Benchers are prepared to hand in the returns I hold in my hand; but if it would suit your convenience, and the convenience of my learned friend, I would prefer not giving them in for a few days until the details are checked. The returns can be handed to my friend, if you think right, or to your secretary, in a few days; for although substantially correct, the Benchers cannot be answerable for a number of details in particular figures. They have been making the most anxious inquiries, but the account is an extremely long one, and there is necessarily some delay in making up the return and having it completed.

Lord Moser—The return of expenditure?

Mr. Porter—The return of expenditure.

Lord Moser—Is verification of your statement?

Mr. Porter—Yes. In handing in these returns on the part of the Benchers, I have to state that if there is any further information that they or any of their officers can give, on this or any other branch of the inquiry, the Benchers are most anxious to afford it. They will place at your disposal every means of knowledge that they have themselves, and they desire that everything, in their relations with either or both branches of the profession, should be made known fully and fairly, and that every facility should be given for this investigation.

Mr. Paines—Formally hand in any of the returns you now give in.

Mr. Porter—The return of the amount of "deposits for chambers" by barristers and attorneys, and the account of stock are not signed by the secretary, but will be. So far as the other returns are concerned, for the reason stated, I would prefer not handing them in for a few days, if it meet the convenience of the Commissioners.

Mr. Paines—The only question now is what shall be the period of adjournment. A great deal of the statement of Mr. Porter was occupied with matters that are not only not before the Commissioners, but appear to me to be very pointedly withdrawn from their consideration by the commission that has been issued. This controversy between the solicitors and Benchers as a body unquestionably has been pending for a great number of years. In 1840 the question was distinctly raised, and from 1840 until 1866 it was impossible the matter could formally be brought to an issue by reason of the attorneys containing members of the King's Inns. But in 1866 the Act was passed by the legislature, by which the relations previously subsisting between the profession of attorneys and solicitors and the King's Inns Society was dissolved. My friends, Mr. Porter and Dr. Kintner, say that the solicitors withdrew themselves from the Society of King's Inns. I don't like to differ from them on words, but it was by the act of the legislature, that considered it was prudent there should be a dissolution of the previous connexion, and to carry out the analogy my friend Mr. Porter has suggested, although he says it is not quite accurate, the relationship of partners, it seems to me that what we are now engaged in at this commission is, with a view ultimately to see what part of the property that is now claimed by the King's Inns Society ought in equity and in justice to be appropriated to the Incorporated Society which represents the body of attorneys and solicitors. Mr. Porter has said that a great deal of this money has been expended on the common objects of both professions. In the short view I took of the

returns, there appears to me there must be some inaccuracy to which I wish at once to direct attention, because while the attorneys are put down as paying this sum until 1866, I find in the returns that the moneys paid by the barristers are continued down until 1871.

Dr. Battersby.—The reason of that is, the attorneys ceased to pay after 1866.

Mr. Paines.—That may be, but it shows how fallacious would be a comparison of the two returns. If that argument were to be pressed, in 1881 the claim of the attorneys and solicitors would be less than it is in 1871, because of course the amount received from the profession of barristers would be more in 1881 than in 1871. But in truth we have nothing to do with that. We have to ascertain certain facts; when these facts are before the House of Lords the considerations that have been offered by my friend Mr. Porter can be submitted to them, when they will have the weight that they deserve. At present the object of the Incorporated Society of Attorneys and Solicitors is to have the information, for the purpose of answering the specific inquiries made. It appears to me that they have now given us information in reference to No. 1, that is the amount received on the admission of attorneys and solicitors, and I think it is to be regretted that that information was not given to us as directed by the Commissioners, on or before the 20th June, so that we should have had the opportunity of checking the returns. I am quite certain that they are as accurate as could be given, but it is possible some question may arise similar to the question I just now drew attention to, with respect to the relative amount that has been received from barristers. It appears to me, however, that at the next meeting we will be able to dispose of that first inquiry. The second is an account of the manner in which the same has been applied and disposed of. Now, it is quite possible that an application may be made on the part of the Benchers to ask the Commissioners to report the special manner in which they have applied and disposed of all their funds, instead of having applied and disposed of this particular fund. On the statement of my friend himself, it is clear that no money was applied or disposed of in the purchase of chambers. They say a certain sum of money was applied and disposed of in a mode that ought to be dealt with as an equitable disposition of that fund. Possibly some of these matters ought to be specially reported, but before anything of that nature can be done we must have the actual statement of matters of fact before the Commissioners. Now, I understand Mr. Porter is not at present ready to hand in that account, and therefore the first question is when will he be ready to make that return to the Commissioners.

Mr. Porter.—Perhaps I had better hand in the return now. If any inaccuracy turns out we will correct it afterwards. That is all we can do.

Mr. Paines.—Have in any formal matter I am perfectly certain that the Benchers' returns are quite right.

Lord Mowbray.—I understand Mr. Porter to say that if they are not able to check them over themselves the Benchers will not be responsible for it.

Dr. Battersby.—It has been checked by the sub-treasurer: he believes it to be correct.

Mr. Porter.—Everything has been done to make it correct, but we cannot absolutely verify it.

Mr. Paines.—It was intended we should have these accounts on the 20th of June, in order that we might have the opportunity of looking through them before the meeting of the Commissioners, and therefore it is necessary now that we should have a short adjournment in order that we may know how we are to proceed. I would have been quite ready to proceed now had these returns been in, pursuant to the direction, by the 20th of June. I suppose the question now is to what time shall we adjourn.

Mr. Porter.—With respect to a matter my friend

drew attention to, and quite rightly, namely, the barristers' payments being carried down to the present time, that was done in taking our account of the general property, because the barristers' contributions have gone on to the present time, but the return shows the amount of contributions to the same date, 1866, and you will find that it makes but a very trifling difference—instead of £34,500 it would make about £52,000.

Mr. Paines.—It appears clear to us that it may be necessary to ask for some further information. What that information may be it is not possible I can state now. In the paper just put into my hand the Benchers are claiming credit for a large sum of money as expended, not out of this one fund, but out of the aggregate of a large number of funds—of course necessarily a certain amount out of this fund—but out of the gross income. Therefore I would suggest, if the Commissioners would adjourn until, say Saturday, when we would be prepared to state what we will do in a definite way.

Dr. Battersby.—We will be all away on circuit.

Mr. Paines.—All I can say is that the delay is not that of the attorneys and solicitors. A good deal of this information could have been furnished at an earlier time, and it has not been given.

Mr. Porter.—None of the information could be furnished before this. Since the last meeting every expedition has been used to get it.

Mr. Paines.—And the result is that it was not given.

Lord Mowbray.—It is only fair to recall what Mr. O'Hanlon said the last day, that the returns were very intricate, and it was not likely they would be had for a considerable time.

Dr. Battersby.—Returns extending over seventy years.

Lord Mowbray.—Would Friday suit your convenience to adjourn to?

Dr. Battersby.—The judges will be away on circuit. They will not have a meeting until after the circuit.

Mr. Paines.—My object in pressing for a meeting this week is that I think we shall require further information, and perhaps some time may have to elapse before we get it. Mr. O'Hanlon will have the advantage of the interval between this and the termination of the circuits for supplying the information. I don't propose that anything should be done on Friday except to direct attention to what we will require to have furnished.

Dr. Battersby.—It would be very desirable to have somebody here to see what it is they do ask. We are ready to do whatever you shall order, but I would like to have some person here who could confer with us on the course of proceeding, and arrange to have access to papers, which cannot be done at all times.

Mr. Paines.—Any further information we require can be furnished by Mr. O'Hanlon. We are not wanting an inspection of documents or anything of that description.

Lord Mowbray.—It might be a convenience to the Benchers to know on Friday what information is asked. They could have a consultation afterwards.

Dr. Battersby.—But the Benchers as a body could not know of it.

Mr. LE FANT.—Mr. O'Hanlon can inform the Benchers of what is required.

The Chairman.—The sooner the Benchers know what information is required the better.

Mr. Gerald Fitzgibbon.—It is only to discuss that matter we meet on Friday.

Lord Mowbray.—We had better adjourn till Friday at two o'clock, and you can then be prepared with any further requisition you think necessary.

[An arrangement was then made for furnishing copies of the Benchers' returns to the solicitor for the Incorporated Society, after which the proceedings were adjourned till Friday, the 7th July, at two o'clock.]

THIRD DAY.

FRIDAY, JULY 7TH, 1871.

The Commissioners, Lord Viscount MONCK and Mr WILLIAM RICHARD LE FANTU, sat at three o'clock, in the Hall of the Solicitors' Buildings, Four Courts.

The Secretary read the minutes of the last meeting, and they were signed by the Chairman, Lord Monck.

The *Attorney-General* said—My Lord Monck, the case on behalf of the Benchers I understand has been very fully and adequately opened, by my honorable associate, by my friend Mr. Potter, and of course I don't propose to go over the ground he has already fully per-occupied. But there is one matter which the Benchers wish particularly to impress on the minds of the Commissioners, and which I will ask the opportunity of having recorded on the proceedings, and that is their emphatic protest against the right of the Incorporated Society of Solicitors to, if I may say so, hijack this question at all, in other words, we respectfully submit that they have no locus standi whatever, in respect of the subject-matter of this inquiry. You will, I have no doubt, recollect the circumstances under which this commission has been issued. It was issued, as I understood at the time, and have ever since understood, by the House of Lords, upon a representation that there was a subject-matter properly to be litigated before one of the ordinary tribunals of the country—the parties being, on the one side the Incorporated Society, on the other the Benchers; but that inasmuch as no tribunal could be had, the persons of which would not be in fact a defendant in the suit, it became simply impossible to have an inquiry except by the interference of the legislature, and such inquiry should therefore be made through the medium of a commission. There was no opportunity whatever given to the Benchers of having the real position of affairs brought under the notice of the House of Lords. With that perhaps you have nothing to do, nor do I propose to discuss it, but when I call your attention to the true status of the claimants here—the Incorporated Law Society—I will submit that even supposing there is a claim, which, of course, we deny, but supposing, for the sake of argument, there is a claim on this fund, the accumulation of what are called the “deposits for chambers” we insist that the Incorporated Law Society have no more concern with that, in their corporate capacity, than the corporation of Dublin or any other body in the Kingdom. Let us see how the thing stands. Up to 1866 each solicitor was a member of the society of King's Inns, he was not a member of the governing body, but a member of the society. In 1866 the subscribers severed the connection between the future members of their body and the society of King's Inns; they constituted a new state of things, a new machinery for the admission of members to their profession—a new governing body—in other words they altered the whole status of the profession, and entirely changed its relations with the society of King's Inns. Well, then they say, “The attorneys previously were in the habit of paying the sum of ten guineas for chambers: which they have not got, and we now ask to get back the ten guineas which each individual attorney for many years back has paid.” Now I will tell at once that position by a very simple criterion. Supposing that the chambers had been erected according to what they say was the contract (the contract if it ever did exist was entirely determined in 1832, when the subscribers—those who represented the profession at that time—asked to have this building erected)—but supposing that the money had been expended, as they say it ought to have been expended, and that chambers for 2,000 attorneys had been erected for the sum of ten guineas each (we need not go into any criticism of the sufficiency of the sum)—supposing, I say, the chambers were there, what would be the position of things when the Act of 1866 was passed? Why the Benchers would be the landlords of these chambers, the individual attorneys who

had come in and become their tenants would be their tenants; the relation of landlord and tenant would simply subsist between the society of the Benchers of King's Inns and the individuals who were tenants enough to have gone to the expense of building or leasing the chambers for no purpose that one can imagine. But supposing that to be the case, what concern would the Incorporated Law Society have with these chambers? None whatever, directly or indirectly; the chambers would have remained vested in the Society of King's Inns, the attorneys would be in the position of tenants. Of course I am putting out of view the fact that the whole sum subscribed by lawyers, attorneys, and all, would not have built chambers, for each attorney, but supposing some of them had chambers, they would be, I repeat, the tenants of the Society of King's Inns, the Society of King's Inns would be the owners of the chambers subject to the rights of their tenants, and how the Irish Law Society coming in under the Act of 1866—a distinct governing body, with new terms of admission to the profession of attorney—how the society could have any claim upon these chambers I am at a loss to know. And if they could have no claim on the chambers, by what process of reasoning are they to have a claim on the money? It appears to me to be simply absurd. I am remaining now in what I have said—and I repeat I don't propose to go over the ground already occupied, by my friend Mr. Potter—I am assuming that this claim has some existence, but whatever was the state of things prior to 1832, it is plain, as a simple matter of fact, that from the year 1832, the time when the memorial of the attorneys was sent in (that memorial I believe has been before you)—from that time the notion that this sum of ten guineas was specifically given on the understanding that there were to be private chambers provided is absurd; plainly it was abandoned when they called for the erection of this fine building. No doubt from 1832 the sum was still called “deposit for chambers.” Well, what is that but a name? It was simply a fee for the admission of attorneys, and it is a most remarkable thing that in this very Act of Parliament, passed in 1866, this is the identical sum that is adopted by the Incorporated Law Society as the admission fee for attorneys. Although it was called “deposit for chambers,” that is a name merely. The payment was clearly made for general purposes. Every one knows that in many cases old and extraordinary names will be retained, though the purposes for which the names were originally given have been entirely changed. I remember on one occasion having for a particular purpose to ascertain how a thing came to be paid. The origin of the payment I found was lost in obscurity, though the payment was levied in a particular way, and the name still retained. The Benchers are particularly anxious to impress the view I have thrown out on the Commissioners. It is possible, I concede at once, that this is not a matter they would have power to decide under your commission—whether the Incorporated Law Society has or has not a locus standi, in respect to this alleged claim. Your views are perhaps opposed to entertaining it, but the Benchers must respectfully submit that their protest on this particular point should be recorded upon the proceedings. We will probably hand in the protest in writing, because if this thing should be litigated—if this controversy should be pressed further, and if the solicitors should think it proper not to accept the offer which has been made—a most reasonable and proper offer—of course litigation will be necessary, and we would wish to have the real status of the parties appearing as a matter of fact on the record of your proceedings.

Lord Monck.—So far as their locus standi here is con-

around the society is mentioned in a manner that absolutely gives them a *fee simple*—for we are to inquire "whether the Incorporated Society of Attorneys and Solicitors of Ireland are in possession of suitable buildings for the accommodation of that branch of the profession of which they are the governing body." Clearly they have a right to come here to satisfy us about that.

The Attorney-General.—When I used the words *fee simple* it was not in the sense that they could not appear before you and be heard. It was not in that sense at all I meant it.

Lord Mowat.—I understand. What you mean is that they have no claim on this fund, as a corporation.

The Attorney-General.—That they have no claim whatever on the fund—that even supposing you ascertained that there was a fund there that ought to be paid to somebody, those persons, forming a body corporate, in no way represent that somebody. This fund in fact only comprises an aggregation of individual payments. Allowing, for argument's sake, that any individual who has paid might come in and say "Give me individually my money as you did not give me chambers"—how can it be said that the Incorporated Society in any way represent those who made these payments in any sense that would enable them to assert their claim to the money. The Incorporated Society you will remember is a voluntary society. We know, as a matter of fact, it largely consists of gentlemen who were admitted attorneys prior to 1856. I am told that few of the remaining members of the profession are members of the society. I don't know how that may be, but at all events there would be a few; and any gentlemen admitted members of the Incorporated Society since 1856 have in no way whatever the slightest connexion with either the payment or the claim on the Society of King's Inns. There were none—they can tell us how many, who were admitted since 1856. No solicitor could become a member if he does not like—but supposing some have become members who were admitted since 1856, how they can have any claim on this fund, unless there be some peculiar equity for the solicitors and against the Benchers, I am at a loss to understand. The Benchers wish me to submit that view of the case, and I will not traverse the ground, as I said before, gone over by Mr. Porter. I understand there is a return asked for by Mr. Palfreys. I don't know whether it has been actually mentioned.

Mr. Palfreys, &c.—It has not.

The Attorney-General.—It is quite possible I am anticipating, but there is I believe some idea of asking for an account of all the receipts and expenditure since 1793. Now, while disclaiming in the strongest possible manner any wish on the part of the Benchers to shrink from any inquiry or investigation of any kind, even of the most probing description, I would ask my friend, having regard to this very remote and troublesome matter, whether he would press for that return?

Mr. Palfreys.—I certainly am very much surprised at the course the Attorney-General has thought proper to adopt. It was pointed out on the former occasion that the matters this commission had to deal with were certain matters of fact that are mentioned in the commission. The first is the total amount of the sums received as deposits for chambers; secondly, the manner in which the same has been applied and disposed of; and, thirdly, whether the buildings the Incorporated Society are in possession of are sufficient for the accommodation of the branch of the profession of which they are the governing body. There were two subjects that were pointedly omitted from that commission, the first was whether the individual attorney, or the body of attorneys and solicitors, had or had not any claim upon the Benchers in respect of this fund; the second was, whether if there was an existing claim, that was a claim to be represented by an aggregation of individual members as mentioned by the Attorney-General, or by the Incorporated Society. These are two matters that, in my humble judgment, can be dealt

with in Parliament only. Unless the Benchers wish that 500 different suits in law or in equity should be instituted for the recovery of the sum of ten guineas, the only mode in which the question can be dealt with is by Parliament; and unless the Incorporated Society represents this aggregation of individual members, Parliament should have before it every individual attorney and solicitor, instead of the entire Incorporated Body. Now, these matters were submitted to Parliament, and they were submitted in the most solemn manner by the petition which was presented, not by the attorneys and solicitors individually, but by the President, Vice-President, and Members of the Incorporated Society of the Attorneys and Solicitors of Ireland, under their corporate seal. That petition is dated in the month of March, 1870, and it makes the case that we intend to be able to substantiate, when a Bill shall at a future period be brought into Parliament, for the purpose of enabling the House of Lords to decide whether or not the prayer of that petition ought to be acceded to or not. Their lordships thought that a representation ought to be made to the Crown to have certain inquiries made. That representation was made to the Crown, and Her Majesty has directed this commission, for the purpose of ascertaining certain facts which were considered by the House of Lords to be material in respect of the petition presented in March, 1870. The prayer of the petitioners is that "Your Honourable House will be pleased to take their case into consideration, and to afford them such redress in the premises as to your lordships may seem fit." What was that case? It was the case that the Benchers had received from 1793 a large sum of money from each individual attorney for "chambers"—that that sum of money had not been disposed of in the way which was contemplated by the terms on which it was paid, and by reason of that matter they ask for relief. Before the House of Lords could enter on the consideration of that question, it was necessary they should have before them, as a matter of fact,—did the Benchers receive any sum of money upon the terms stated by the solicitors, that is, as "deposits for chambers," and having ascertained that fact, before they could proceed, they should also have before them the additional fact,—if the Benchers did receive it, did they apply it in the mode in which it was contracted to be applied by the terms on which it was received. Therefore these two matters are sent to be considered here as questions of fact, without deciding this question of liability at all. Now, I said on the last occasion, when I had the honour of addressing the Commissioners, and I mentioned on the last occasion, that the anxiety of the body I represent is simply to have an answer to these questions that have been sent to you to investigate, and of course the Benchers will be able, either in the House of Lords or House of Commons, to argue the point that has been mentioned by the Attorney-General, but certainly I do object to any protest being entered upon the record of these proceedings. No matter how consistent the Benchers may be, they have no right to protest against any order for a commission asked for by the House of Lords.

The Attorney-General.—They don't protest against the commission at all.

Mr. Palfreys.—I understood my friend to say he would enter on the records of the commission a protest against the position of the Incorporated Society here. I will object to any protest, or to anything being done, except answering the inquiries that have been sent; and the only thing I will urge on the Commissioners will be to see that such information as may be deemed necessary for the purpose of answering these inquiries shall be afforded by the Benchers. We have estimated the returns that have been sent in by the Benchers since the last meeting. There are one or two additional returns that I think ought to be supplied, and of course if the Benchers think they ought not to furnish those returns, in their judgment, and refuse to give them, we must only proceed as well as we can without them. But before I refer to these individual returns,

I think it right, in consequence of what Dr. Battersby stated on the former occasion—that these returns were sent in subject to being corrected—to at once call attention to what I conceive to be an error in the returns. I understand that the discrepancy shown between the returns sent into the House of Lords by the Society of King's Inns, and the present returns, is an error in the former returns which represented that the sum the attorney paid in going apprentice was £4 16s. 4d., and the fee on admission, exclusive of the deposit for chambers, £3 6s. 4d. The return sent into this commission states the sum paid by the attorney going apprentice to be £2 13s. 4d., and on being sworn in £4 6s. 8d. I am anxious that attention should be directed to this at once, in order that if there was an error it should be corrected. If we are now to understand that the sums we have in the present returns are the correct sums, and the return to the House of Lords was wrong, of course we will be bound by the returns now sent in.

Lord Moser.—Do not the sums charged appear in the Benchers' rule?

Mr. Puffer.—It may be a printer's error. I hold in my hand the return of the 3rd May, 1866, sent in by the Benchers to the House of Lords, and all I am anxious for is that the error, wherever it is, should be corrected.

The Attorney-General.—That is Lord Chancellor's return.

Mr. Puffer.—This was "A return of all the moneys received by the Society of King's Inns from the date of the last Parliamentary return in 1856 to the present time, distinguishing the various sources from which the money was derived, and how it was applied; and copies of all the rules made by the Benchers with respect to the profession of attorney in Ireland, with their several dates, and the Benchers' authority for making same." As part of that return there is the rule of 10th December, 1793, in which the sum to be paid by the apprentice at going apprentice is fixed at £4 16s. 4d., equivalent to £4 8s. 11½d. present currency; by the attorney on being admitted, an admission fee, £3 6s. 4d.; deposit for chambers £1 7s. 6d. These are not the identical sums in the present return, and the only reason I have called attention to the matter is, that by possibility there may be some error as consequence of the present returns not having been checked.

Mr. Porter.—There was a revision of the rule in 1794; that may account for the difference.

Mr. Puffer.—No, this is 1793. It is a very strange thing. The way I would account for it is that there is some clerical error.

Lord Moser.—Is there any controversy about the figures? I don't understand that there is.

The Attorney-General.—I have not had the opportunity of looking at the returns.

Mr. O'Hanlon (under-treasurer).—I can explain it.

Mr. Puffer.—I will be quite satisfied with your explanation.

Mr. O'Hanlon.—In Trinity Term, 1804, the fees payable to the Treasurer were added to those paid to the society. The fees to the Treasurer and Under-Treasurer were £2 3s., and these, with the £2 13s. 4d., make up the £4 16s. 4d., which in present currency, is equal to £4 8s. 11½d., the sum payable up to 1866; and it so appears because it was not thought necessary in this return of 1866 to go into details, but merely give the sum actually paid and received.

Mr. Puffer.—Then the return is wrong in stating that the sum paid by the attorney in going apprentice is £3 13s. 4d.

Mr. O'Hanlon.—That copies the rule correctly.

Lord Moser.—Do the Benchers take more than they are authorized to do?

Mr. O'Hanlon.—No; the Treasurer and Under-Treasurer were entitled to the fees under the regulations of the society.

Lord Moser.—Are we to understand that the sum

represented by the rule is not the correct sum paid by the attorney going apprentice?

Mr. O'Hanlon.—It does correctly represent the sum paid; but in 1804 a change took place, by which the payment previously made to the treasurer and sub-treasurer was paid into the society. That is the whole explanation.

Lord Moser.—Am I to understand that the return of Lord Chancellor correctly represents the sum paid now?

Mr. O'Hanlon.—Precisely.

Mr. Puffer.—I think the return ought to be amended.

Lord Moser.—I don't think there is really any ground of controversy in this matter at all, because these figures are entirely outside the sum with which we have to deal.

Mr. Puffer.—Altogether. And only it was brought in, I assume, for some collateral purpose by the Benchers, I would be quite satisfied if it were excluded altogether. But having been brought in for some collateral purpose, it is certainly very objectionable that there should be a return from the Benchers to the House of Lords with one set of figures, and another return for this commission to the House of Lords with another set of figures.

Mr. Porter.—The return to this commission does not purport to give the payments, it only purports to give a copy of the rule under which the deposit for chambers was made. It could do nothing but copy the rule correctly.

Mr. Puffer.—But that rule is copied in the return of '66.

The Attorney-General.—Looking at this return I think the matter is very easily explained. What my friend takes to be a statement not only of what was paid in '93, but of what continued to be paid, is simply a copy of the rule of '93, which for the purposes of this inquiry is quite sufficient, as we have only to deal with one item, the deposit for chambers. It would be more accurate—indeed I cannot say more accurate, for really the matter is quite irrelevant—to say that this sum of £3 13s. 4d., was in 1804 increased by a sum of £2, paid to the treasurer and under-treasurer. But, as I said already, it is perfectly irrelevant. All that is necessary for your purpose is a copy of the rule which contains this proviso about the deposit for chambers.

Lord Moser.—There is no controversy about that amount, which is really the only thing we have to deal with.

The Attorney-General.—Quite so. Looking at it in its entirety, it seems to me to be only a transcript of the rule.

Mr. Puffer.—I have not satisfied myself yet on this matter. I gather from this return to the House of Lords that it gives a copy of one of the rules of 1793, and in that we have—"Attorney at going apprentice, £4 16s. 4d.; attorney on admission—fee, £3 6s. 4d.; deposit for chambers, £1 7s. 6d." I get a copy of the same rule now with different sums. Well, there must be a mistake one way or another, and all I wish to have done is to have it made correct. I have called attention to the difference, and if the Hon. Society of King's Inns don't wish to make the return accurate of course I cannot help it.

The Attorney-General.—There is not the slightest objection to having the thing accurate.

Mr. Puffer.—If the matter is unexplained, then papers will go to Parliament in which there will be one account of the rule in the return for '66, and another account of the same rule in 1871.

The Attorney-General.—It don't apply to the present return at all.

Mr. Puffer.—No, not to the present return, but there is a difference, it seems to me, between the present return and the former one; and if the Benchers don't wish to amend it, why they won't do so. I say no more on that subject. Now as to the further returns that we think are necessary. The Benchers make a

case, not of any application or disposition of this fund according to the strict terms of the contract on which it was received, or as having applied it to the purpose for which it was received; but they say it was applied to a different purpose, which this commission ought to consider as equivalent to the purpose for which it was received. Now, without saying how this will ultimately be dealt with by the Commissioners, the materials at present before them would be insufficient to enable them to find whether the body of attorneys and solicitors in point of fact have the benefit of these funds or any part of it, and the following matters occur to us as material for the purpose of enabling that question to be solved. They allege that an estate was purchased for £13,530 4s. 2d, and that that is the estate on which the present building stands. Now we know from their former returns, and indeed from the statement of my friend Mr. Porter, on the former day, that that estate for which £13,530 14s. 2d was paid, includes not only the site of the present building, but also other lands which have been made available for other purposes of the Benchers. I propose, therefore, that they should furnish us with a map or plan showing the estate that was purchased for that £13,530, and specifying the portion occupied by the buildings erected upon the site of the King's Inns. We can at once have that site valued, and then we will be in a position to check that item in case it shall hereafter be considered desirable to go into the inquiry at all. The Benchers also allege that they erected a library for a sum of £11,000, and that that ought to be taken as an application of so much of the joint contributions of the attorneys and barristers. Now that may be so or it may not be so, but the date of the erection of that library would be very important. For instance, if it was erected in 1846 it would be very hard to say that the money so expended could be a due application of the sums received from attorneys as deposits for chambers from 1846 down to 1866. Therefore in that view the date of the payment of the several sums mentioned in the returns of the Benchers appear to us to have some significance, and we ask that they should state the respective dates of the erection of the library in respect of which £11,000 were expended—the purchase of the head-vents—the date of the erection of the Benchers' Council Chamber at the Four Courts, and the purchase of the Library House. That is for the purpose of seeing how far the argument of the Benchers, that this is to be deemed an application, a due application, of the deposits for chambers received from attorneys, can be substantiated. Now, we also asked, as was mentioned by my friend the Attorney-General, a return of all the money received by the Society of King's Inns since Trinity Term, 1794, to the end of Trinity Term, 1866, from all sources, specifying the various sources from which the money was derived. We would be very anxious to confine the present inquiry to an inquiry simply as to the application of the sums received as "deposits for chambers;" but the answer of the King's Inns has stated, "We cannot tell you how we have disposed of that sum, but we will tell you how we disposed of a portion of our gross income, and we ask you to allocate that portion of our gross income to that particular source of revenue." It occurs to us that it is quite impossible that can be done, unless we know of what their other sources of income consist, and I hardly think there can be any difficulty in furnishing that return. I find that the return given in 1860, on the motion of Lord Clarendon, was an extension of one from 1830, and merely a continuation of other returns sent into the House of Lords previously. If they give us a copy of these returns from 1794, that would be quite sufficient. It is clear they have prepared these returns and have the materials for furnishing what we conceive are very material matters, in order to enable this question ultimately to be dealt with. We will be satisfied if they send in a copy of the return from 1830 to 1860, to take from them copies of the other returns from 1794. We will be quite

satisfied to receive that statement. We don't think there is any substantial difficulty in the way of their doing this. These are the only further elements we think necessary for the purpose of enabling the Commissioners to determine the matters mentioned in the commission. When these returns are sent in we would ask the Commissioners to fix a day to hear the entire case on their report. (Mr. Palfes handed a document to Lord Monck.)

Lord Monck (to the Attorney-General).—This is a copy of what Mr. Palfes asks for. Do you object to it?

The Attorney-General.—I understand my friend is satisfied to take the parliamentary returns.

Mr. Palfes.—If you can give us the parliamentary returns, which we have not, from 1794 I would be quite satisfied.

The Attorney-General (to Mr. O'Hanlon).—Have you got the returns from 1794?

Mr. O'Hanlon.—I have.

Lord Monck.—It would appear from the returns of Lord Clarendon that they were existing in 1850.

Mr. O'Hanlon.—I have got them from 1794.

The Attorney-General.—That will do. It is right to say, with respect to this petition that my friend referred to as laid before the House of Lords, I suppose your lordship knows better than I do that it is not supposed every member of that noble house reads such things at all, to make themselves acquainted with the facts.

Mr. Palfes.—I don't say they do.

The Attorney-General.—At all events I may observe that a copy of that petition was never furnished to the Benchers; that they never saw it, and, in point of fact, the motion was made almost without their knowing it was coming on.

Mr. Palfes.—I find that the returns for 1832, 1839, and 1854, don't contain the same particulars that the returns for 1856 to 1860 contain. The latter return is a return of all the moneys received by the Society of King's Inns from the end of Trinity Term, '54, to Easter Term, '66, distinguishing the various sources from which the moneys were derived, and that includes rent, interest in government stock, and other things. Now the returns for 1832, 1839, and 1856, are confined to the sums of money received from students, attorneys, attorneys' apprentices, and barristers. Therefore I think it would be more convenient if we could have supplied to us the particulars of their income from 1794 to 1865; we have the full particulars from 1836, to 1866 already in Lord Clarendon's returns; we have some of the particulars of the receipts from 1794 to 1836, that is, the sums received from apprentices, students, attorneys and barristers, but we have not the other sources of income of the Society of King's Inns from 1794 to 1836. I think there would be very little difficulty in getting them for us.

Lord Monck.—Is there any objection to seeking returns from 1794 to 1860 corresponding to those from 1836 to 1860?

The Attorney-General.—The time and trouble it would entail would be something enormous.

Mr. O'Hanlon.—It would be enormous.

Mr. Palfes.—We think it very important by reason of the case put forward by the Benchers.

The Attorney-General.—I don't want to stand on my technicality, but really this commission has only to inquire into and report upon one item of income, the sum received as deposits for chambers by the Society of King's Inns on the admission of attorneys and solicitors.

Mr. Palfes.—Of course, technically, it don't come within the words, but if the same technicality was to be followed the return of the Commissioners would be—we find that no portion of the money so received was appropriated to the purpose for which the same was received.

Lord Monck.—Don't be too sure of that. The Commissioners might take another view of it.

Mr. Palfes.—Possibly, they might. But when the Benchers ask the Commissioners to take another view of it, that is by going into the question of the expendi-

time out of the general fund. Well, in order that we may ask that question, we seek to know what the general fund was, in order that we may see how it was appropriated to one purpose or another.

The Attorney General.—Suppose we prove that we expended £50,000 on a building or any other sum, it would be perfectly immaterial for the purposes of this inquiry from what particular fund that sum came. All you have to ask is, did you get value for your money? If we show you you got value for your money, the sources of our income and the particular money expended on the buildings appear to be quite immaterial. The question is, how much was disposed of in a particular way? We say that the expenditure we rely on represented *your* money.

Mr. Gerald Fitzgibbon.—You give an account of part of our money on one side and of the whole of the expenditure on the other. But we think the materials we ask to be necessary for understanding the application of the money. Unless the return is given to us we cannot tell how much of the particular money reserved as deposits for chambers was expended in this way; because what the Benchers say is,—“We put it all into a general fund, and expended money out of that, and then we show that out of that general fund we spent a sum very large, probably amounting altogether to more than the deposits for chambers.” Well, to make that answer bear at all fairly, so far as one side of the question is concerned, the question of the money received, it would be necessary to show what other moneys were received, and formed part of the general fund, out of which the expenditure was made, and the very figures we have here show that besides the £11 7s. 6d. deposits for chambers other payments were received from apprentices and attorneys.

Mr. Le Fane.—I don't see how that is material if the expenditure has been made. Suppose they had no income of £300,000 more, I don't see how that could bear on it. If they say they have spent a sum, a large sum, equal to more than has been received for chambers, both from barristers and from solicitors, and say you have received full value for your money, and that you then say, “But you had very much more”—what has that to do with it?

Mr. Fitzgibbon.—That occurs to me to be a fallacy with respect to this as a matter of figures. If the entire of the money that was derived from “deposits for chambers,” each of £11 7s. 6d., was made to form a particular fund, and if they were to say out of that particular fund, so received from that one source, buildings have been erected, that would be a perfectly fair matter. But what they do say is this, “We cannot tell you that, for we put this £11 7s. 6d. in along with a number of other moneys, and out of all these moneys we spent a large sum on the erection of buildings,” and we are entitled to say, and do say that they spent on these buildings, not merely the deposits of £11 7s. 6d., but other moneys received from apprentices and attorneys, and we have just as good an equitable right to have this money credited to our side as we have with respect to the “deposits for chambers.” It seems to me that the Benchers are just in the position of trustees who mixed up all the funds in such a way that they cannot tell which is which. What they say is, “The entire composed one fund, and we show the expenditure out of this particular fund (deposits for chambers), making something like an approximate proportion.” That won't do. “Deposits for chambers,” is stated to be a mere name. If so, all the rest of the money ought to be one unchangeable fund. If the same becomes immaterial they ought not to be entitled to say we spent on buildings only what we got as deposits for chambers, without bringing in the other sums they received too. It appears from this return that there is still a sum of £2 which they had for every attorney admitted, as an admission fee, not accounted for at all—there is that difference between Lord Chancery's return and the return to the Commissioners. It seems as if they made this a joint fund.

Mr. Le Fane.—I don't understand you to say that the attorneys paid more—

Mr. Fitzgibbon.—What I say is that the Benchers were getting more.

Mr. Le Fane.—They got interest.

Mr. Fitzgibbon.—What I say is, all the sources of income have been mixed up in one fund. That fund has been contributed to by attorneys who paid this £11 7s. 6d. “deposits for chambers,” and a number of other sums “on going apprentices,” and in that way the Benchers during the time they were receiving these funds were trustees for that particular branch of the profession—they were trustees for a proportion of that for the attorneys just as much as they were for a proportion for the barristers; and the Benchers have no right to say to the attorneys, “We will give you now nothing out of your ‘deposits for chambers,’ because we spent more than that amount of money,” without showing all the moneys that they had in their hands which were paid by attorneys.

The Attorney General.—I admit at once that if there was a shadow of foundation for suggesting that there was more money got from the attorneys than appears (because there is no use in falling back again and again on the discrepancy which has been explained between this copy of the rule and that copy of the rule—I say no more on that), but if the suggestion was that the attorneys or the apprentices were paying money that did not appear at all accounted for here, and therefore that it might possibly be out of this money the buildings were erected, I admit at once that would be a tangible case, but there is not a shadow of foundation for suggesting that any other payments were made by apprentices and attorneys than what appears there, taking it at the highest, £4 15s. 4d. instead of £2 13s. 4d., as appearing in the returns. There is no suggestion that anything else was paid. I venture to say that if you read the petition putting forward the whole case for the benefit of the noble lords, you will not find it suggested from the beginning to the end that any payment was ever made but what appears here. To give this return now asked for would surely be to expend an enormous amount of time, labour, and trouble upon a matter that is really of no consequence in this inquiry, and therefore I resist the application.

Lord Moser.—I am certainly very unwilling, and so is Mr. Le Fane to throw any obstacle in the way of gentlemen making out this case to the best of their ability, and according to their own view of it, but I must say that I don't think that the information sought for would assist in the slightest degree the inquiry we have to make. Our inquiry is directed solely to a particular item of money paid, and what may have been paid, beyond that I don't think we have anything to do with. There is a matter I would like very much to direct the attention of counsel on both sides to. The question we have to repeat on is,—“Whether any and what portion of the amount remains unappropriated to the purpose for which it was received?” As at present advised I think that calls on us to declare and decide the purpose for which it was received. I would be very glad if the gentlemen at either side of the question think that the commission does not give us that power, that they would state their views.

The Attorney General.—I apprehend very clearly it does. I understand this view of the case was speedily by my friend (Mr. Parter) the last day, that although there was this name to it, there was a complete acquiescence in a certain mode of appropriation which binds all parties.

Lord Moser.—It has been rather assumed of late in the little incidental argument we have had, that this money was specially appropriated to the providing of chambers. I surmise, as far as my present opinion goes, I have very strong doubts on that subject.

Mr. Poffner.—The words of the commission are “to inquire and report upon the total amount of money received by the Honorable Society of King's Inns, Dublin, on the admission of attorneys and solicitors as deposits for chambers.”

Lord Moxon.—Under that head.

Mr. Poffes.—Under that head; and the proviso refers again to the terms on which it was received. The money received for chambers is "to be allowed when the gentlemen shall purchase from the Society chambers or ground to build chambers on." Then the statement in the petition to the House of Lords is, that "amongst the fees so imposed by the Benchers was one of £11 7s. 6d., late currency, stated to be a deposit for chambers, to be allowed when the gentlemen shall purchase from the Society chambers or the ground to build chambers on, which sum they insisted on being paid by every gentleman seeking to be admitted on oath, from 1793 down to 1866." I think quite clearly the commission is pointed to this particular item.

Lord Moxon.—No doubt it points to this particular item, but the question you have to apply yourself to, to change the opinion I now mention, is whether we have the power to consider what the original appropriation of that item was. It don't appear to me that the mere stipulation, that in the event of chambers being purchased by a particular individual a certain sum would be paid back to him, creates a contract on the part of the person to whom that sum was originally paid to build chambers.

Mr. Poffes.—There may be a failure of consideration, by virtue of which we may, after a reasonable time, be enabled to demand back the deposits, as in the event of the conduct of the Benchers making it perfectly impossible that chambers could be built. Of course a question may arise as to that.

Lord Moxon.—What I wish to know is why you think we have no authority to enter into the question of appropriation.

Mr. Poffes.—I apprehend that, having regard to the terms on which the sum was actually received, no question of acquiescence can arise. The question would be what sums of money were received in 1793 by the Society of King's Inns as "deposits for chambers." The Society at that time contemplated building chambers; they received £11 7s. 6d. from each attorney as "deposit for chambers." It is so specifically stated, and we would respectfully submit that so long as any sums were paid under that rule as "deposits for chambers," within the meaning of this commission, they were sums received on the admission of attorneys and solicitors as "deposits for chambers."

Lord Moxon.—To be returned if chambers were built and provided.

Mr. Poffes.—To be allowed.

Mr. Le Fane.—The words "unappropriated to the purposes for which it was received," refer to that.

Lord Moxon (to Mr. Poffes).—If you take part of the contents of the rule you must take the whole of it. And if you take the whole of the rule you will see payments are to be made to and for the use of the Society generally, and these are payments which you admit are made to and for the use of the Society generally.

Mr. Poffes.—The sense in which the word "deposit" is used would contemplate a mere handing over of the money to the Society for a particular object, without actually appropriating it to the purposes of the Society, and therefore this would clearly appear not to be a payment for the use of the Society, but a deposit of a sum to be allowed on a future act taking place.

The Attorney-General.—With respect to what Mr. Le Fane said, I was about calling attention to it. "Whether any and what portion remains unappropriated to the purposes aforesaid?"

Mr. Poffes.—To the purposes for which it was received.

The Attorney-General.—Quite so, and that opens a much larger field of inquiry. The very words indicate that.

Mr. Poffes.—My view is that "the purposes for which it was received" only means, "applied in building chambers." There was a sum of money paid as "deposits for chambers." The inquiry here is in substance

is, was that provision complied with, and the money applied to that purpose? The case of the attorneys is, that it was not so applied, the admission of the Benchers substantially is that it was not.

The Attorney-General.—My learned friend will have to press his argument to this extent, that even though with the common consent of the attorney profession, the Society of King's Inns, in 1793, passed a resolution under which this £11 7s. 6d. was devoted to a particular purpose, even though the attorneys acquiesced in that, still, after this lapse of time, because the money was not applied to chambers, under this commission you should make your decision against the Society of King's Inns. Does my friend contend that?

Mr. Poffes.—I stated originally that if any sum of money was applied to substantially the same object as that for which it was paid, there was not the slightest desire on the part of the body of attorneys and solicitors to prevent the Commissioners reporting that that was a proper application of it. But that, possibly, will be matter for a special report. I never imagined that the Benchers could not go before Parliament making the case that they applied this money in the manner in which they considered it ought to be applied. But when I am asked what is the exact construction of the words of the commission, of course I am obliged to say what I think is the ordinary and proper construction of the words.

Lord Moxon.—Do you insist on getting this return, or do you think you can do without it? I don't wish to throw any obstacle in your way at all. If you must have it, they must give it.

The Attorney-General.—The difficulty I feel in objecting is in appearing for a moment to throw any obstacle in their way. We do not shrink from furnishing any sort of return that reasonably can be expected or given.

Mr. Poffes.—I would suggest a course that probably may prove convenient. If Mr. O'Hanlon would take the returns from 1832 to 1856, and add on the other series it might do. Of course they can give us the interest on Government stock and motions of that description. In that way the return could be made up.

Mr. O'Hanlon.—You have all the returns of stock from 1832 to the present time.

Mr. Poffes.—What we want is an account showing each year's income. It is much more convenient to have it put into one document than in several. The calculation of interest would cause very little difficulty.

The Attorney-General.—I understand you have them all from 1823.

Mr. Poffes.—We have returns from which perhaps we could make it up ourselves; but then there are other sources of income in this return of 1866 and we have no information as to them. We want a return of all the moneys received from Hilary Term, 1794, down to 1856.

Mr. O'Hanlon.—I could not give that.

Lord Moxon.—There is a return you don't object to I suppose. You don't object to give the map of the site of the purchase for £13,530.

The Attorney-General.—Mr. O'Hanlon says that only the thing is much more serious than at first it appears. He tells me that the accounts were kept from term to term; that they were not accounts balanced at the end of the year, but carried on from term to term, and kept by the under treasurer in concert with the Society. The treasurer, who is a voluntary officer, and an honorary officer, would hand over a sum of money to the under treasurer, and then the under treasurer accounted for it to the Society, and that was done each term.

Lord Moxon.—But that is expenditure.

Mr. O'Hanlon.—The under treasurer only receives the admission fees of barristers, students, attorneys, and apprentices, and certain rents.

Lord Moxon.—Who received the other items?

Mr. O'Hanlon.—They were paid generally to the treasurer.

Lord Mosck.—This would appear to be a most laborious return to make out.

Mr. Polles (to Mr. O'Hanlon).—You could know what the dividends were each half year.

Mr. O'Hanlon.—As to the dividends there is no difficulty.

Mr. Polles.—We want the rents and other matters. Of course the income from fees by barristers, students, apprentices and attorneys you need not check; but you will supplement those with the others.

Mr. Le Fanu.—The rents, and interest and other sources of income.

Lord Mosck.—Could it be done by deducting the ordinary fees from the other sources of income each year?

The Attorney-General.—That will not do, because they want the different sources specified.

Mr. O'Hanlon.—It might be done by getting a professional accountant.

Lord Mosck.—Have you not got the old returns of all the income received from barristers, attorneys, and students; have you not all items of that class recorded?

Mr. O'Hanlon.—Quite so.

Lord Mosck.—What other sources of income had you?

Mr. O'Hanlon.—Rents and dividends on Government debentures; that is all I know of.

Lord Mosck.—They can be very easily added together.

Mr. O'Hanlon.—I have no means of knowing who received the interest on the Government debentures. That item would be attended with great difficulty and trouble. It might be done by a professional accountant, but I don't like to undertake to do what I don't think I can do.

Mr. Le Fanu.—Could you get the gross income each year, including these items with specifying them?

Mr. O'Hanlon.—I don't know that.

Mr. Polles.—I will be satisfied with the gross income.

Mr. O'Hanlon.—I am not sure I could do it, but if I can do it I will. I will look at the books and see if I can do it.

Mr. Polles.—The return of the gross income of the Hon. Society of King's Inns from Hilary Term, 1794, to the end of Trinity Term, 1866.

Lord Mosck (to Mr. O'Hanlon).—You can give that.

Mr. Polles.—I suppose there is no objection to give the map.

Mr. Porter.—If there is a map we will give it to you.

Mr. Polles.—Or give some specification by which we can identify the ground.

The Attorney-General.—I suppose whatever papers were in use at the time, if forthcoming you can have.

Lord Mosck.—You did not pay for the land without getting some papers.

Mr. Le Fanu.—There must be a map with the conveyance.

Mr. Fitzgerald.—A map, plan, or measurement will do.

Mr. Porter.—Very well, we will see as to that.

Lord Mosck.—The third matter is the date of the erection of King's Inns Library. There is no difficulty as to that, and then there is the date of the purchase of the land-rents.

Mr. O'Hanlon.—That is all right.

Mr. Porter.—I now hand in some documents mentioned on the last day—the report of the Standing Committee of 1826, the report of the Committee of the Irish Law Society of 1830, and Mr. Darley's Letter of 1831, all of which I referred to the last day. The documents were incomplete on the last day, now they are complete.

The Attorney-General.—Mr. O'Hanlon asks for a long day. Vacation time is coming on, and he must go to the country. He requires a reasonable time before he plunges into this.

Lord Mosck.—Suppose we say the 3rd November.

Mr. Polles.—I would ask to fix some earlier day than that.

Lord Mosck.—I presume we cannot make our report before the end of this session.

Mr. Polles.—Certainly not.

Lord Mosck.—If you have the report before next session, will it not answer all purposes?

Mr. Polles.—We are anxious to have it some time before next session.

The Attorney-General.—There is ample time.

Lord Mosck.—At present it does not seem likely to be a very long inquiry.

Mr. Polles.—What time do you suggest for an adjournment to?

The Attorney-General.—Say the 3rd November.

Mr. Polles.—I strongly object to the 3rd November.

Lord Mosck.—Would it convenience all parties if we met a week or ten days before Michaelmas Term? Tuesday, the 24th of October, would be a very suitable day.

(This was agreed to.)

Mr. Polles.—I would ask you to limit the time by which the returns are to be sent in, for we certainly would not wish a further adjournment after the 24th of October.

Lord Mosck.—This is the 7th July. Suppose we say the returns shall be against the 1st of September.

Mr. O'Hanlon.—I could not have them ready. I propose to have them on the 30th of October.

Mr. Polles.—That won't do. Say the 10th of October.

Lord Mosck (to Mr. O'Hanlon).—Have them by the 10th of October.

The Commission was then adjourned till Tuesday the 24th of October following.

FOURTH DAY.

MONDAY, NOVEMBER 13, 1871.

The Commissioners, Lord Viscount MOSCK and Mr. WILLIAM RICHARD LE FANU, sat shortly after three o'clock, in the Solicitors' Buildings, Four Courts.

Mr. J. J. Barry, Secretary, read the minutes of the last meeting, held on 7th July, and they were signed by Lord Mosck.

Lord MOSCK.—Have the returns been furnished to you, Mr. Poles, and are they what you wanted?

Mr. Poles.—I think so.

Lord MOSCK (to Mr. Porter).—In your statement at the second meeting of the Commission, you said the entire expenditure of the Benchers at that date was £199,616 17s. 10d. Taking the items from the print of the shorthand writer's report, they only amount to £111,000. Perhaps there may be some item omitted?

Mr. Poles.—They furnished us with a schedule, showing, I believe, £125,716 13s. 10d.

Dr. Battersby.—£125,716 is the amount.

Lord MOSCK.—Mr. Porter's statement made it £126,000, but the items don't make it more than £111,000.

Dr. Battersby.—The £13,542 for ground rents will make it up.

Lord MOSCK.—That may be it. It was omitted in the print of the shorthand writer's report. Have you any observations to make, Mr. Poles?

Mr. Poles.—I think I am now in a position to ask the Commissioners to determine the report or answers that they will send to Parliament in answer to the Commission; and the observations that I intend respectfully to submit to the Commissioners is with a view to inducing them to answer these questions as I originally suggested they should be answered—that the sums received as deposits for chambers amount to £55,293; and that no portion of that money has been applied or disposed of to the purpose for which it was originally paid. I don't expect that the Commissioners will not, indeed I hope the Commissioners will, add to that statement that certain sums of money have been received and applied, with the consent of the body of Attorneys and Solicitors, in a certain specified way; and that a portion of that money was accepted by the Body of Attorneys and Solicitors as satisfaction pro tanto of the portion of money paid in. But as we don't agree at all as to the amount of money that has been so either count actively or passively, applied to the purpose for which it should have been applied, it will be necessary that I should trouble you with a few observations on the figures. Originally I thought that the inquiry would, perhaps, be rather more simple than in the event it may turn out to be.

I ventured originally to submit, in answer to the first question, whether any sum of money had been received as deposits for chambers, that there could be no doubt that the amount I have mentioned, £55,293, had been so received. Now, from what has taken place at some previous meeting, I gather that a question may be raised by the Benchers as to whether that sum has been so received—not that the actual money was not received under the rule that has been read for the Commissioners, but that there are other words in that rule which they allege prevent the money that has been so received, from being regarded as deposits for chambers. These are the words—"Payments to be made to and for the use of the Society."

Lord MOSCK.—I understand there is no question as to the figures?

Mr. Poles.—There is no question as to the fact of the receipts.

Lord MOSCK.—That is what I mean.

Mr. Poles.—That is the first question that it will be necessary to consider. I confidently submit to the Commissioners that the inquiry, "in what manner the same or any part thereof has been applied and

disposed of, and whether any and what portion of the amount remains unappropriated to the purpose for which it was received," involves the consideration of the purpose for which that money has been received, and whether that money has been appropriated to the purpose for which it has been so received; and, that unless the money was appropriated with the consent of the Incorporated Body of Attorneys and Solicitors, that money would remain unappropriated. Now, I understand one of the members of the Commission expressed an opinion on the former day that it is very questionable whether the Commissioners had power to consider what the original appropriation of that sum was. I submit there can be no doubt as to that.

Lord MOSCK.—I never said so.

Mr. Poles.—I would be glad to be relieved from that, for I think the question is involved in the very outset of the inquiry—whether any sum was received as deposits for chambers, and in what way it has been applied. But now I will take the question in the broadest way. Has any sum of money been received by the Honorable Society of King's Inns as and for deposits for chambers? I don't know whether that is intended to be disputed. I think we ought to know that before we proceed with the argument upon the words. Do they admit that the sum of £55,293 has been received by the Society of King's Inns as deposits for chambers? If not, I hope to demonstrate by a long course of action on the part of the Society it has been always so admitted. But I think I am entitled to an answer to that question before I come to argue, otherwise, I may be wasting the time of the Commissioners.

Mr. Porter.—You have had an answer already in the statement of the Attorney-General.

Mr. Poles.—Then I will take it now that it is denied upon the part of the Benchers that the sum of £55,293, which it is admitted has been received under this rule from Hilary Term, 1794, to Trinity Term, 1866, has been received as deposits for chambers, within the meaning of the inquiry on this Commission. Now, the argument is rested on these words—

"Payments to be made to and for the use of the Society: Attorneys, at going appearance, 2s 10s 4d; attorney, on admission, 4s 6s 6d."

Now, these sums of money that are strictly made as "payments" are made under that word, which is used in contradistinction to the word "deposits" for chambers, £11 7s. 6d.; and if that word rested by itself, it would be impossible to contend that a distinction should not be drawn between the word "payment," in which a sum of money passes from one person to another, to be used by that other, and the word "deposits," which, according to the strict language of our law, means the handing over of money or of a particular chattel to another, to be held for the person in whom it is handed over. But it doesn't rest there. We have this—

"The deposit for chambers to be allowed when the gentleman shall purchase chambers or the ground to build chambers on."

That is, it was to remain in the hands of the Society in the character in which it was paid—in the character of a deposit—and was to remain in the character of a deposit until a certain event happened, when it would lose that character and would become a payment to the Society, upon account of rent or for chambers; and then, and not until then, I submit, would it become the property of the Society. Now, I propose to show that that was the plain meaning of the rule, from

the remotest times has been recognised by the Society of King's Inns, and that they acted accordingly to it; and I propose to show that in report after report of the Committee of the Benchers, they acknowledged the claim on the part of the persons paying this sum of money to have chambers built was a just claim—that they dealt with the question of appropriation—and showed how the money that had been received should be dealt with, and how appropriated. Now, the first document I refer to is the Report of the Standing Committee of the Benchers, specially summoned, which met on the 14th of February, 1835:—

"The Benchers having been specially summoned to attend a meeting of the Standing Committee on this day, for the purpose of taking into consideration the building of chambers, the undersigned Benchers having accordingly met, and fully considered the subject, they beg leave to report to the Benchers that it is their decided and unanimous opinion that it would be manifestly just and highly expedient for the interests of the Society to erect two buildings, containing of six sets of chambers each."

I pause for a moment on these words. There is a distinction made between the words "manifestly just" and the words "highly expedient"—"highly expedient to the Society as a society; manifestly just, not to the Society, because there could be no question of justice on the part of the Society with the Society as a whole, but when the Society pointed to justice it must be justice to some particular members—some particular class of members. It then proceeds to state that

"It appears to the Committee that since Easter Term, 1793, the Society has required and received from each barrister called a deposit of twenty guineas for chambers, and from each attorney sworn and admitted a deposit of ten guineas for chambers."

Now, they refer there in 1835 to the rule of 1793, which is now alleged to mean that the sum was not a deposit at all, but a payment to and for the use of the Society, which they were entitled to expend in such manner as they may think proper. But this Standing Committee of the Benchers in 1835 identified the head under which it had been received, not as "a payment to and for the use of the Society," but as a "deposit" of ten guineas for chambers. The report proceeds:—

"That the gross amount of these receipts, calculated in a general manner, and subject of course to some errors, commencing Easter Term, 1793, and ending Michaelmas Term, last, would amount to the sum of £46,374 12s 3d.

That includes the receipts both from barristers and solicitors; but I have ascertained from the returns that have been furnished to the Benchers that the actual receipts ending Michaelmas Term, 1835, from solicitors, amounted to a sum of £22,900.

"That deducting therefrom the gross amount of the sums expended by the Society on buildings, calculated in a like general manner, and subject to the errors, and including therein the sum appropriated for the erection of the Library, now in progress, the balance appears to be a sum of about £13,074 2s 2d, without calculating the rentals arising from the buildings reserved on investments."

That last sentence clearly shows what was the application of the money when it was received from term to term from 1794. As it was received it was paid into the general funds of the Society, which then consisted of government stock, and, according to this document, from time to time dividends were received upon those investments.

"That upon an average of ten years ending the first day of the present Hilary Term, the annual income arising from these deposits for chambers amounts to the sum of £1,332 7s 7d. Irish currency; that it appears to the committee that the said balance of £13,074 2s 2d, and the said annual income which will not probably decrease, are both funds which it would be just to the Society to apply to the object under consideration, and that it would be highly advantageous and expedient for the Society to apply part of its other funds if it were necessary to this purpose."

There they use again the word "just," to which I have already called attention, and it clearly shows there had been a segregation between the funds derived

from this particular source, "deposits for chambers," and the general funds of the Society, and it emphasises that, that some of the money having been appropriated to buildings in Henrietta-street and the library then in course of erection, that this not being within the strict meaning of the purpose for which these deposits had been received, it would be "just" to apply part of their other funds, if it were necessary to do so, that is to recoup the "deposits" fund from the other funds of the Society any money that was wrongly paid out of it. It then proceeds after other considerations to prescribe what is the course that they think ought to be adopted.

"The course which it appears most desirable to the committee to recommend is that the Society should apply a part of their funds to the erection of two buildings, containing of six sets of chambers, according to the plans annexed, one building for the barristers of the Society and the other building for the attorney members of the Society, upon payment of a given scale of rental."

Now it seems to me that this document of 1835, which is the earliest record now before the Commissioners of any attempted appropriation of any portion of this money, deals with one of the questions here—deals with, as an admitted matter, the receipt of money as deposits for chambers—deals with the rights of the members of the Society to require an appropriation of that money to the chambers as originally arranged, and recognises the right of the two bodies of the profession—the solicitors and the barristers—the right of the one to one separate and distinct set of chambers, and the right of the other to another separate and distinct set of chambers. It also declares, in stating the result of the course suggested by them, "that it would realize the object for which the deposits already mentioned have been hitherto and shall continue to be received." That object was—"The deposit in chambers to be allowed when the gentleman shall purchase from the Society chambers or the ground to build chambers on." I now pass from that document of 1835 to a document which appears to me to be of a very much stronger nature, namely, a Report of the Standing Committee of Benchers, dated 21st of February, 1859. This document is signed by the late Lord Chancellor Blackmore, Chief Justice Mansfield, Baron Richards, Baron Gessne, the late Judge of the Probate Court, Mr. Keatinge, Sir Thomas Stirling, Master Lyde, Judge Mason, and Judge Barwick. It was a document drawn up in 1859 upon a petition having been presented by the Incorporated Society of Attorneys and Solicitors to the House of Commons, making then, in 1858, the identical case that they make now. It is valuable because it admitted that every sum of money that can be alleged to be specifically appropriated to the demand of the attorneys and solicitors at the present moment was specifically appropriated at that time; and it is valuable also as showing that in receiving the deposits from 1859 to 1866 they were received by the Society with the intention in the minds of the Society at that time not to apply them to the purchase of chambers. It is a very elaborate document, and it is unnecessary that I should trouble you with the entire of it. But one of the passages contained in the petition to parliament was in respect of this fee of ten guineas, and that is specially dealt with in part of the report. It states—

"Although difficulties occurred to prevent the building of chambers according to the original intention of the Society, the attorneys and solicitors as a body have received from the Society a full equivalent for the money advanced by them under the head of deposits for chambers, and which amounts in the whole to £46,085 8s 3d."

It may be necessary hereafter that I should refer to this figure, for I propose to show that there was an error in it at least to the extent of £5,000.

Lord MORRIS.—What page of the report do you read from?

Mr. PALLER.—From page seven. I call attention to that item at the outset, for there is a difference, I don't say it is an error, but there is a difference between

that and the present return to the extent of several thousands of pounds, which probably will be accounted for by the £46,000 having been taken at some earlier date. But still it leaves a sum to be accounted for. Well the report proceeds to describe for what this money was received—

"Under the head of deposits for chambers, which amount is the whole to £16,000 8s. 2d., and which was originally to be allowed in the purchase of chambers or of ground to build chambers on."

A little later on, this report, to which I must call attention hereafter, states—

"It appears to be plain that from the time the Society first became possessed of ground on Constitution Hill, they were honestly desirous to make the same productive by the erection of chambers, or perhaps ground for their erection, in accordance with their original design, and the implied obligation imposed by the original requirement of the deposit towards that object."

That is, in making their case in 1859, they admit these sums were received for a special purpose, they admit that there was an implied obligation on them at that time to erect chambers, or to purchase the ground for erecting them upon; and a little later down it renders this—

"But they wished the portion of the fund intended and subscribed for that purpose, to be applied to the erection at the Four Courts of chambers, which they thus requested to be applied to these."

Now, I again pause. There is the third expression in this report of 1859, as to the object and purpose for which this money was received, and the obligation which the Benchers considered it imposed on them, in receiving these sums of money. Is it not plain that it was deemed, from 1835 to 1859, and—as the Attorney-General represented on a former occasion, as I understood him—a payment made "to and for the use of the Society," so that they would have liberty to do as they pleased with the sums so paid—but as a payment made to the Society, and entrusted to them to be kept by the Society until a particular time—that it was a sum of money given to them on a solemn trust, to remain with them as a "deposit," with the implied obligation that the ground would be purchased, or chambers would be built, and that until that implied obligation was fulfilled, it still remained in their hands as a deposit? Having in the present way admitted in that report that the money had been received under those circumstances, they proceed to make a sum, to show that the money had been properly disposed of by them, or rather that it had been disposed of in such a way as to be considered as answer to the demand of the attorneys and solicitors. Now, the mode in which they proceed to do so is as follows.—They debit themselves with that sum of £46,086 8s. 2d., and they claim to be entitled to credit as against that for £28,436 16s. 8d., and for one-half the following sums—£4,411 15s. 1d., and £6,462 5s. 3d. These two sums make £10,874 0s. 10d., the half amounts to £5,437 0s. 5d., which, added to the £28,436 16s. 8d., makes £33,873 17s. 1d.

Mr. LE FANE.—The first item in this [report] is £50,000. Have you given me the correct figures?

Mr. POLLEN.—I have given you the correct figures. The sum of £50,000 was appropriated on the 26th of April, 1834.

Mr. LE FANE.—But only £28,436 of that was spent.

Mr. POLLEN.—Yes; £28,436 16s. 8d. The figures I have read would leave a balance of £21,512 in the hands of the Benchers; and in respect of that they make a claim on foot of some buildings that were erected at the King's Inns, and some other buildings of that description. Before I proceed to analyse their case, it is necessary I should show exactly how the figures stand. We are dealing here with the receipts mentioned in the report of February, 1859, and they state that the amount received up to the end of the then last Michaelmas Term, was the sum mentioned, £46,086 8s. 2d.; but taking the original return furnished by the Benchers themselves, and totting it at

the termination of Michaelmas Term, 1858, you will find that that sum of £46,086 is erroneous, and that the actual amount received is £55,418.

Mr. LE FANE.—Is that admitted?

Mr. POLLEN.—I am taking this from the returns—probably you have them there—the returns furnished to the present Commission. It is from these documents I am taking it. I would be glad we had the original returns, that there may be no question about it [Returns produced and handed to Commissioners].

Mr. POLLEN.—In dealing with accounts, it is necessary we should have the exact figures. Totting up the items you see there the amount received to the end of Michaelmas Term, 1858, is £52,418.

Mr. LE FANE.—Quite right. These returns go down to Trinity Term, 1866.

Mr. POLLEN.—Yes; when they ceased to receive funds.

Lord MOWAT.—The Act of Parliament passed in August

Mr. POLLEN.—No doubt it contains all the payments made up to the last term; but according to the first, the sum received to the end of Michaelmas, 1858, being £52,418, instead of £46,086, that makes a serious error of £6,330, which ought to be added to the £12,212, the sum of money to be accounted for, even upon the statement of the Benchers themselves, in 1859. But we have now to deal with what the Benchers in 1859 had not to deal with, that is, deposits from and including Hilary Term, 1859, down to the end of Trinity Term, 1866, and these deposits amount, as I gather from the accounts, to £3,877, making, with the two other items mentioned, £21,419. And we respectfully contend that, even if the case put forward by the Benchers, in 1859, is a case that can be met by the Commissioners, it would leave in their hands an unappropriated sum of £21,419. But now I am prepared to show that the principle upon which that report of February, 1859, was prepared is not a correct principle, and that by that report the Benchers seek to charge against the profession of Solicitors and Attorneys many sums of money that ought not to be charged against them. It commences with a sum of £30,000, not to the credit of their treasurer upon the 26th of April, 1834; and it is an extraordinary coincidence that the account from this fund (deposits for chambers) up to 26th of April, 1834, amount very nearly to that £30,000. The exact figure is £29,683 10s., and it certainly does look as if in April, 1834, when they were setting apart a sum ultimately to be devoted to the benefit of the Society of Attorneys and Solicitors, they did take into consideration the amount of deposits that had been received from that body, and were governed by the amount of those deposits in the sum that they so set apart. They set apart £30,000, the deposits received were £29,683 10s. Now, to show the fallacy of the case they make, I first refer to the report I read—that of 15th February, 1836—and I quote the words I have read, that they conceived it "just" for the Society to expend money on the building of chambers, and declare it to be their decided and unanimous opinion that it would be manifestly just and highly expedient for the interests of the Society to erect two buildings, of six sets of chambers each, as delineated on the plan annexed—"one building for the lay members of the Society, and the other building for the attorney members of the Society." Then, after referring to some little difficulties, it proceeds thus—

"It appears to be plain that from the time the Society first became possessed of ground on Constitution Hill, they were honestly desirous to make same productive by the erection of chambers, or purchasing ground, in accordance with their original design and the implied obligation imposed by the original requirement of the deposit towards that object; and that the delay which occurred arose from difficulties not fairly chargeable against the Society. We cannot find any remembrance on the part of the attorneys or any members of either branch of the profession of the law of the delay in supplying the same or any expression of a wish

for the completion of this object, or any request for ground for the purpose."

Now, the reason for the delay referred to, there was the existence of an Act of Parliament, by which building on a portion of the Society's ground was prohibited; and I rely upon that as showing that in the interval between 1794 and the period when the Society became active, in 1826 and 1830, it was not that they (the Benchers) were contemplating any other application of this money than that originally provided for, but that they were unable to carry out the purpose for which the money was subscribed, by reason of difficulties over which the Benchers had no control. The report then refers to the memorial sent to them by the Society of Attorneys and Solicitors; and I quote from that the following passage:—

"That they (the attorneys and solicitors) claim with greater confidence the erection of chambers for members of the profession, having contributed, as they allege, the greater portion of the funds of the Society."

The report then proceeds, showing at that time that they did not deny the right to have chambers erected at Henrietta-street, but that they wished a portion of the funds intended and subscribed for that purpose to be applied to the erection at the Four Courts of chambers then requisite to be supplied for them. I next refer to the memorial presented by the Committee of Attorneys and Solicitors to the Benchers in 1830, stating that the erection of chambers suitable to the accommodation of their profession had long been an object of interest with the Society of King's Inns, as was proved by the rules at the formation of the Society, from the payments made by the attorneys on being admitted members of the Society, and from the report made by the Benchers in 1826, and the memorialists stated that there were then funds under the control of the Society which were fully adequate to the purchase of ground and the erection of chambers:—

"And with a view to the attainment of that important object, they have made inquiries respecting the ground that would be available as a site, and they have found that a space sufficient for the purpose may be obtained at the rear of the Four Courts, the dignity of which was in every point of view superior to that of any other situation."

They then proceed to say:—

"Under these circumstances, your memorialists humbly submit for the consideration of the Benchers not only the necessity but the propriety of applying so much of the funds so received and accumulated in the hands of the Society as will be sufficient to purchase the ground to which allusion has been made; and thence erect sufficient chambers for the profession, according to each plan as may be approved of by the Society."

Now, in that memorial of 1834, the body of attorneys and solicitors rely on their right. They do not submit to the Benchers that as a matter of prudence the money ought to be applied for the erection of chambers, but they submit to their consideration not only the necessity but the propriety of erecting chambers. That is pointing to the purpose for which this money was originally given, and they point to the fund—"applying so much of the funds so received and accumulated in the hands of the Society as will be sufficient to purchase the ground to which allusion has been made." That, coupled with the report of 1826, which speaks of the dividends received from investments of these deposits, drawing a distinction between the other funds of the Society and the fund represented as deposits; and considering that this document of 1834 is now adopted by the Benchers, and is the basis of their present claim to credit for this sum of £28,000, can there be a doubt that in 1834 it was presumed on the Benchers as a matter of right that that sum of money was in the hands of the Benchers for the purpose of chambers, and that the attorneys and solicitors had a right to have it applied out of the accumulated funds of the Society to the purchase of ground on which to build chambers?

"This memorial,"

the report proceeds to state,

"was signed by the Secretary and twenty-three leading members of the Irish Law Society, who then composed that committee, and its object was manifestly to induce the Society of King's Inns to abandon the arrangements then made to carry out their declared determination of building chambers at Henrietta-street, and to induce them to lay out the portion of the money which had accrued by the deposits for that purpose in the purchase of ground then selected by the memorialists at the Four Courts, and to erect thereon sufficient and convenient chambers for their profession, according to such plan as may be agreed on."

That is a repetition by this Standing Committee of 1859 in respect of what it calls its "manifest object," to lay out—what? A portion of the money which had accrued by deposits for that purpose, treating this sum of money that had so accrued by deposits as actually in their hands. Now, the memorial itself was taken into consideration on the 6th of November, 1830. There were various adjournments, as to which it is not necessary I should trouble you, but I should state that on the 19th of January, 1831, a meeting of the Irish Law Society was held, and they then deputed Mr. Darley, the architect of the Society, to communicate with the Benchers the object they had in view, of purchasing ground for the erection of chambers, that is still steadily keeping in view the case they had put forward. There were other meetings, and ultimately a conference was had between the Benchers and the representatives of the body of Solicitors, on the 14th of February, 1831, and they were requested

"To present a memorial to the general body of the Benchers, suggesting the plan on which they were desirous that the building of chambers adjoining the Law Courts should be carried into execution, and, for that purpose, that plans, with estimates, be submitted to the general body of the Benchers on the first day of next Easter term."

The plan was submitted, and the amount of the estimate was the sum of £12,091 1s 11d., to be paid for the purchase of ground. Nothing was done in 1831, and I pass over the interval between that and 1834. I have shown you what was the original demand of the attorneys and solicitors. The demand was based on the rule of '93. It was based on the statement of money being in the hands of the Benchers as deposits, and that it ought to be applied in justice to the building of chambers. That claim was admitted in 1824, the principle of it was admitted again in 1830: there is a controversy about it in 1831; and ultimately, on the 26th of April, 1834, as yet as done which, I submit, is a clear and unequivocal admission of the principle put forward by the attorneys and solicitors at that time. They put the sum of £30,000 at the disposal of their treasurer for carrying into effect the object contained in the report of the Building Committee—that is, for the purpose of building something that was to represent chambers, under that original rule of 1793. Now, it is no part of our case, and never was any part of our case, that so much money as has been in fact expended upon the building which the Society of Attorneys and Solicitors are now in possession of, and so much money as was expended on the purchase of ground for building those chambers then—it was not, and is not, I say, any part of our case that that sum of money should not be allowed as a credit to the Benchers out of the sum they received as deposits since 1794; and I am calling attention to this portion of the case—that claim for credit for twenty-eight or thirty thousand pounds—for the purpose of showing that by these acts it is impossible for them to say, "We are absolved from any obligation to account," or that "We did not receive that sum of money for any special purpose," or "We were entitled to apply it to our own use, or in such a way as the Society of King's Inns itself determined." No explanation is given of how that sum of £30,000 was ultimately arrived at; but when the Commissioners bear in view that that sum was put by on the 26th of April, and that up to the 31st of January preceding the receipts from the attorneys for deposits amounted to £28,683 10s.—that is, within £316 of the £30,000 so applied, and

when you remember that this allocation of £30,000 is not for the purpose of a building common to both branches of the profession, but was to be a building for the solicitors and attorneys alone, and not for the barristers, it appears to me plain that in 1834 the Benchers admitted their liability, and practically applied at that moment the entire deposits they had received up to that time, amounting to £30,000, to the erection of the building in which the Commission is now sitting. Now, if I am right in that, how is it possible for them to go back on any sum which was originally paid long before 1834 for the erection of buildings at King's Inns? These buildings were erected out of other moneys, part of which was provided by the solicitors, part by the barristers; because you must remember that sums of money were paid by the solicitors over and above the deposits for chambers. Some of the money paid "to and for the use of the Society" was properly applicable to the buildings in Henrietta-street, and for the general purposes of the Society, but the figures that I have shown you now—the *ashes* they have furnished us—show that before 1834 this Henrietta-street building was completed; that the library was completed; and, if I am right in saying that, there was—as the Benchers themselves contended in 1839—an appropriation of £30,000 in 1834. We have not to go back beyond that, for in appropriating that £30,000 they appropriated every sixpence they had received up to that date from the attorneys and solicitors as deposits for chambers. They proceed to state, then—

"And the present buildings now in the possession and exclusive enjoyment of the Incorporated Society of Attorneys and Solicitors were erected according to their suggestions and wishes, as the hall and chambers which they had pressed for and required, and it appears that, independent of the buildings afterwards added for the meetings of the Benchers and the Judges, the sum of £27,936 16s. 8d. was expended by the Society in the purchase of this ground and erecting these buildings; and possession thereof, fully fitted up and furnished, was delivered to their committee on the 29th of May, 1841, and a further sum of £300 was granted towards the purchase of books and the furnishing of the library."

Now, I state at once, that if that sum of £27,936 16s. 8d. was in reality expended in the erection of a building, the entire of which was given to the attorneys and solicitors, and in the purchase of ground on which that erection was made, we would not for a moment dispute the propriety of that sum being charged to us as an equitable application of so much of the deposits as had been received prior to 30th of April, 1834, or practically the entire of the deposits. But as a matter of fact, the sum of £27,936 16s. 8d. must be reduced before we find it represented by the present building. It must be divided into two sums, £13,599 14s. 2d. and £14,336 2s. 6d. The former is the amount of purchase-money of a certain parcel of ground at the Four Courts, and the latter is the cost of the building, (a portion of which is occupied by the attorneys), including the coffee-room. By the maps that have been furnished to us, it is plain that this plot of ground which was purchased for £13,599 by the Society of King's Inns, includes not only the building we are at present in, but also includes the ground on which the Benchers' and Judges' Chambers have been erected, and it includes a portion under some of the offices of the courts, as to which the Commissioners cannot have the slightest doubt, a proper arrangement was made between the King's Inns Society on the one side and the Government on the other side, and any contention here is, that £13,599 having been paid for the entire plot, we ought not in common justice, to be charged with the entire purchase-money of that ground, when a portion of it is represented by the plot in the possession of the Benchers themselves, and another portion of it is represented by law courts, for which the Government must have taken the ground under the provisions of some Act of Parliament, and for which the Benchers, have, of course, been paid. We don't, on the other side, contend that every sum of money that could ought not to be charged against us in respect of the

purchase-money of that ground, and we respectfully suggest as the most equitable view would be to ascertain how much of that ground is covered by buildings, how much of it is covered by buildings in the possession of the attorneys and solicitors, and to divide the purchase-money into two sums, and the proportion that the ground in the possession of the attorneys and solicitors bears to the other part, whether in the possession of the Government courts or in the possession of the Benchers themselves, will enable a calculation to be made of the amount of the total purchase-money that should be charged to the attorneys and solicitors. Then again, when we come to deal with the buildings themselves, a calculation has also to be made.

Mr. LE FANE.—May I ask, should the Society of King's Inns have purchased the whole of this plot, to erect the buildings for the solicitors?

Mr. Poffes.—I don't know how that is

Dr. Sarsfield.—That is the way it was done.

Mr. Poffes.—If they had purchased the entire of the plot for the solicitors—

Mr. LE FANE.—If they had to purchase the entire plot of ground for the purpose of this building for the solicitors, it would not appear to me to be a fair way to take it, that the ground should be measured in the way you mention; it might be fair to see how much the rest of the ground sold for, if any was sold for other purposes.

Mr. Poffes.—Perhaps that would be so, with the exception of the building here, between the Landed Estates Court on the one side and the Solicitors' Building on the other. That is a plot that is at present in possession of the Benchers; it is occupied by chambers in the possession of the Benchers, and they hold their meetings there. Certainly a very large deduction ought to be made for the value of the building in which the Benchers at present meet, or let them give us the entire of the building in which the Benchers at present meet, charging us with the proportionate part of the purchase-money and cost of erection. But we object that while they retain a portion of the building, we should bear the entire purchase-money and cost of erection. We say therefore that there are two deductions to be made. First, there must be a deduction in respect of the premises still in their possession, and secondly, there must be a deduction in respect of so much of this plot of ground as was given to the Government, and now forms part of the courts. The next matter is the coffee-room. In the argument I have addressed to the Commissioners up to this, I have assumed that the entire of this building, the entire cost of erecting which we are charged with, is altogether in the possession of the solicitors and attorneys. That is not so. Maps have been prepared, showing exactly the portions which are in their possession and the portions which are not. I may state that the coffee-room, the bar, the kitchen, the little room adjoining, two rooms in the passage, and the waiting-room, are all excluded from the possession of the attorneys and solicitors.

Mr. LE FANE.—Is it a joint possession?

Mr. Poffes.—The kitchen is used by the caterer, and the other room also. The caterer we may treat as the lessee of the coffee-room. The coffee-room is leased by or put into the possession of Mr. Murphy the caterer, under an arrangement with the Benchers; what that arrangement is we don't know. But what we rely on is that it is a possession of the Benchers, and if they wish to give us that coffee-room we will be prepared to take it and the adjoining rooms, and if that is done of course the argument I am now pressing on the Commissioners—that the entire charge for the erection of this building ought not to be put against us—of course that argument falls to the ground. I may take it in this way. It may be very convenient for the Benchers to say we require the coffee-room for the joint use of the bar and the solicitors—we think it very convenient to have it in that place, and we charge you, the attorneys and solicitors, with

the entire expense of providing this accommodation for both branches of the profession. But on the other hand, I say this: one of our chief causes of complaint is, that from the small amount of room, we have not been able to provide a council chamber. A council chamber should be built, or we might be able to make an arrangement with Mr. Murphy, by which we would have the accommodation for the council in the coffee-room, providing for the coffee-room elsewhere. I am instructed to say on this subject of the coffee-room, what is as fair a proposition as can be submitted to any tribunal; it is—that the solicitors are willing to take that block of building at the price paid for its erection, and at the very sum of the cost of the ground, and to give an undertaking that they will use that coffee-room as a coffee-room, but on the other hand, if the control of that room is to be, as it has been up to the present time, with the Benchers, and not with the attorneys and solicitors, they say it would be a gross injustice that they should be charged, not only with the entire cost of the erection, but also with the purchase-money of ground not occupied by them. You are aware that the purchase-money and the cost of erection we are now dealing with, relate only to that block of building. In this item is not included the cost of the erection of the Benchers' chamber; they seek to bring that in charge against us also.

Mr. LE FANE.—The deduction you seek to make on your respect to the purchase-money of the ground not required for that block, and the cost of the coffee-room, of which you have not the control.

Mr. Peller.—And where the courts are.

Lord MORRIS.—You want to exclude from the sum you are to be charged with, the purchase-money of all the ground there, and the cost of the construction of these three rooms there [pointing to the map].

Mr. Peller.—I don't go quite so far as that.

Lord MORRIS.—That is the principle of it.

Mr. Peller.—The cost of this room [shown on map], which is in the possession of the attorneys, I don't see anything unfair in charging us with; but the principle should be to divide the cost of the plot of ground amongst the various buildings that now cover it; to charge as with the proportion incident to the buildings we have, or, on the other hand, to give us the entire building.

Mr. LE FANE.—Was the Benchers' chamber built at the same time as the other building?

Mr. Peller.—No; it was built subsequently. Now, there are the observations I have to make on that sum of £28,436 16s. 8d. I say it is subject to a large deduction, certainly to some deduction; and I say, whether it is subject to deduction or not, that the act of the Benchers themselves on the 26th of April, 1834, appropriated to the discharge of that £28,000, the deposits that had been received up to that date from the Attorneys and Solicitors, and which amounted substantially to £30,000. Well, the next two items which, under the report of 1859, are sought to be charged against us consist of one-half of £4,411 15s. 1d. and one-half of £5,462 5s. 8d. The £4,411 15s. 1d. is described as the purchase of tenants' interests at the King's Inns, and the £5,462 5s. 8d. is described as the new wing of the King's Inns, being the lecture rooms and retiring rooms for barristers and attorneys. If I am right in the view I have submitted to the Commissioners as to the arrangement of 1834, by which the Benchers recognised the propriety of building—out of building generally—but of building chambers, or that which would be taken to represent chambers, for the sum of money then received, it will appear clear that they had no right, without the consent of the attorneys and solicitors, to apply those two sums of £4,411 and £5,462 to a purpose foreign to that for which the money was received. There is no evidence at all that at the moment those sums were expended there was any intention on the part of the Benchers to use part of the moneys received as deposits for chambers in erecting this building. It is not pretended that the Benchers had not at that time in their

hands other general funds of the Society that were properly and legitimately applicable to this erection. I have shown that the Benchers in 1834 brought to charge against the attorneys and solicitors in respect of the erection of the original building of King's Inns—that they yielded to the demand that adequate provision should be represented by having chambers for their own individual use, and therefore I submit that there is no colour of right why we should be charged with that sum of £5,437 9s. 3d., the half of the two sums I have named. To test it the result would be clear. If we look forward for a few years this building will be in the possession of the Benchers as representing the profession of the bar. They will be entitled exclusively to those rooms in Horsemarket-street; they will be the persons that will be deriving the benefit from the purchase of the head-vents. The solicitors at that time will have no right whatsoever to them. Why then should they charge the solicitors with one-half of the cost? It is as if on the dissolution of a partnership you should charge against one partner half the cost of building although you leave the building in the possession for ever of the other partner. The Benchers and the profession of the bar will be entitled for ever hereafter, subject to the right only of existing attorneys, members of the King's Inns, to the possession of those premises of the King's Inns. In the same way the solicitors are entitled to the possession of those chambers here, and the very segment that applies in favour of the Society of Solicitors being charged with that £28,000 equally applies in favour of the charge against the Benchers of those two sums of £4,411 15s. 1d. and £5,462 5s. 8d. No doubt the solicitors admitted before 1855 can go and use those retiring rooms, and can dine in King's Inns, but that is in respect of being members of King's Inns, and they purchased the position, not by the deposits for chambers, but by other payments they were obliged to make before they gained the position. I submit, therefore that this sum of £5,437 ought to be regarded as an application of their other funds; but even if it ought not to be so regarded, and even if the sum of £28,436 16s. 8d. ought not to be reduced, they have still there a balance of £31,419 that would remain unapplied, giving them credit for every expense that has been set out in the figures I have mentioned, that is giving them credit for £5,437 and £28,436 16s. 8d. Now let us consider how they can discharge themselves of that sum. What we are dealing with is a matter of appropriation. The words of the commission are "in what manner the same or any part thereof has been applied and disposed of, and whether any and what portion of the amount received remains unappropriated to the purpose for which it was received." We are dealing, I repeat, with a question of appropriation. Take the sums received from 1858 to 1860—they amount to £2,877. The argument of my friend, if good for anything, would be good as to that sum. The sum was proved to be applied to that part that there was no liability to account for that £2,877 as it was passed in respect of the sum from 1794. But was there an appropriation of that money received from 1858 to 1861? Surely during the entire period it is clear the Society of Attorneys and Solicitors were at war with the Benchers. They had presented a petition complaining of their conduct to parliament in 1858. That petition was made the subject of the report I have read by the Benchers of 1st February, 1859, and within there are the complaints made by the body of attorneys and solicitors year after year, term after term, the Benchers are receiving further sums as deposits, and having received that £2,877 from 1858 to 1861, I cannot I am at a loss to see upon what equitable principle it can be contended that there was any appropriation with the consent of the body of attorneys and solicitors of that £2,877 to any purpose whatsoever; when it is proved that during the entire of that time the body of attorneys and solicitors were protesting against it, and if they are wrong with respect to that sum, they are equally wrong with respect to the other item. What evidence have you here of any specific appropriation;

what evidence have you of the consent of the body of attorneys and solicitors, save in respect of the building which was handed over in 1841? Is it not the fact that the attorneys and solicitors were consulted in 1834, and were consulted in 1841, and consented in 1841 to take this as part of the sum they were entitled to? Is not that the strongest argument that can be brought forward to prevent the Commissioners from imagining that there was any such thing as a divided appropriation? During the entire matter of this appropriation, the one only thing about which the attorneys and solicitors were consulted was in respect of the £38,000 for the erection of this building. But again, when they say they ought to charge as with the buildings that have been erected on any part of the property of the Society, may I ask what do they say as to the dividends they themselves have received upon these investments? I have shown you, by the report of 1836, that they themselves made investments of these deposits; and by their reports and returns furnished, it appears that year by year, during the entire time we are dealing with, they had a sum of money in their possession in Government stock.

If they thought proper to spend the dividends on this accumulated fund from time to time, and to make no charge against them here, why should you not assume that these dividends are part of the money that has been used in the erection of the Henrietta-street building, and in the purchase of head-rents and matters of that description. In truth the case now stands thus—Out of the entire expenditure of about £125,000, the attorneys have in their possession the purchase of head-rents in which we are now, in round numbers say £30,000, while the Benchers, and the profession they now represent, are practically, entirely, and exclusively in possession of the entire of the rest of the buildings so erected, which would represent a sum of £90,000 and there case is, that although the deposits were contributed equally, and although these buildings are to be taken as representing the deposits, yet they are entitled to keep these buildings that have been purchased by three-fourths of the fund, and ask the attorneys who contributed one-half of the fund, to be content with buildings that represent one-fourth of the fund. We submit that that is not so; and now I will shortly run through the items of this account that has been furnished, for the purpose of showing that in no sense can it be considered as an appropriation of the money in question. Of course there can be no such thing as an appropriation of money before it is received. If they intended before the money was received to have altered the appropriation, why they could have done that, but then they could not have received it under the rule of 1794, at a time when they did not intend to apply it in the way pointed out by that rule. Therefore I may assume that they are loaned, when they received these deposits down to the year 1846, to apply these deposits in the way pointed out, and the question would be whether, from the time these deposits were made up to the subsequent period of expenditure, there was anything to point to as an appropriation of the deposits. Taking the items in this way, we have first £43,000, the cost of the building at King's Inns. I should have said, perhaps, before going into the figures, that comparing the accounts of these deposits, the amount received from the bar, of £34,318, will be too much, because that represents the deposits made by the bar down to the present time; compared with the deposits of the attorneys, the bar returns should have stopped at Trinity Term, 1846.

Mr. Porter.—That was corrected the last day. The return is only the same date as the solicitors'.

Mr. Puffer.—I know it was; but it is right I should point out the difference. Now, as to this £43,000, the cost of the building the King's Inns, how can that, either constructively or otherwise, be an appropriation of any part of the £55,392 that we are now dealing with? The building was erected and the money paid in the early part of the present century; everything was completed before 1834. Was it appropriated with the consent of the attorneys and solicitors before 1834? No. I prove that by the report

of 1836, and the document of 1839, which mention that the reason why chambers were not built at that time was the difficulty that existed, by reason of the Act of Parliament, preventing the Society from building on Constantine-hill. This was only a temporary difficulty. But from time to time the attorneys were paying the deposits—the fund was accumulating, from 1794 to 1826, to 1834, and down to 1866, the deposits were received, and, therefore, it is quite idle for the Benchers to make the case that there was an appropriation of deposits for chambers upon this King's Inns building under the rule of 1794.

Mr. LE FANE.—What is the date of the erection of this building?

Mr. Puffer.—Eighteen hundred—at which period there was of course but a very small sum of money paid for deposits, and at the very moment they were building it, they were keeping up these deposits and making investments to enable chambers to be built. It is, therefore, impossible to contend that any sum of money applied to purposes other than the building of chambers can be held to be appropriated properly, until the period arrived when by consent the idea of building chambers had been given up. That period did not arrive till 1861. Until 1861 there can be no appropriation to a purpose other than that of building chambers, because up to that time, with the common consent of both attorneys and Benchers, the intention was that at a future period chambers should be built, and money was being saved for the purpose of building them—the £10,837 I have already dealt with. Then there is the purchase of head-rents of King's Inns, £16,500. That stands in exactly the same way, it is the purchase money of ground-rents connected with the building of King's Inns, and must be dealt with in precisely the same manner as the £43,000. They state they purchased these head-rents for the benefit of the solicitors generally. If so, let them give us a conveyance of half of it now, and we will be able to make it available, and then you will be in a position to charge an half of the sum. But their contention is that this £16,500 is to be applied in extinguishing the liability for ever hereafter of the Society of King's Inns, as representing the bar, to pay a sum of money they would be bound to pay, and that the solicitors are to pay half of it. It is admitted that the premises upon which that rent is charged are to remain in possession of the bar, as distinguished from the possession of the body of attorneys. Suppose money was paid in to the credit of a corporation, say a railway company, and that the company were bound by Act of Parliament with certain trusts affecting one fund—for instance, the payments of bonds of a certain class with that money, in the first instance, over bonds of another class—what right would the corporation, the railway company, have to convert that money, bound by one trust, for the benefit of one party—for the benefit of persons interested in another trust. That is exactly what is sought to be done here. We show you a trust actually subsisting to purchase ground to build chambers on. The attorneys and solicitors are entitled to the benefit of that trust. On the other hand, if they are at liberty to divert that trust into a trust to spend the money in the purchase of head-rents at the King's Inns, the result is a purchase for their benefit, and to deprive the attorneys and solicitors of any benefit whatsoever. Now, the date of this purchase is important. The last purchase appears, by the returns furnished, to have been made in 1862. That, I contend, is an appropriation, not only without the consent of the attorneys and solicitors, but an appropriation made against their strong remonstrance, perceived in for years—an appropriation made three years after the relations between the Benchers and the attorneys had ceased to exist—and that it can be deemed an appropriation of the sum of money received from the attorneys on this special trust it is impossible to contend. The dates of these purchases are 1847 and 1848, and the same remark applies to these that I have already made, that, although at that time there was a strong remonstrance from the body of attorneys, they were never consulted on the subject, and that

it is in fact an application of the general funds of the Society; and it is not pretended that there is any specific resolution of the Benchers making a specific appropriation for this purpose of any part of this special fund, the deposits for chambers. And I am reminded by my friend (Mr. Fitzgibbon) that we are able to show by these accounts exactly where the money came from. It was a sum paid out of Government 31 stock, which between 1847 and 1848 decreased from £74,590 to £36,938. The purchase of tenants' interest at King's Inns, £4,411 15s 1d, I have already dealt with. The Benchers' building and the Law Library, £14,706 0s 4d, is the next item. Now, the Bar Library and room was and is in the exclusive possession of the bar, the profession of attorney and solicitor have no right to enter that room. May I ask why is a distinction to be made between the possession of that law library, so far as the bar is concerned, and the possession of this building for as the profession of attorneys and solicitors is concerned? We agree that so much of the £28,000 as is fairly represented by the portion of this building we are in possession of should be charged against us, but if we are right in making that admission—if they are right in making that claim—on what intelligible ground can they bring in charge against us an expense expended on that building, the library which is solely for the profession of the bar, and solely enjoyed by them? Again, on what principle are they bringing against us this sum of £10,000 expended on a building for the accommodation of the Benchers—this cross building? I would think, if anything is clear, it would be this, that if we are to be charged with the cost of this building, part of which only we are in possession of, the Benchers and the bar ought to be charged with the cost of erecting the buildings now entirely in their possession, and also of the Bar Library. Well, the library in Henrietta-street, £11,000, stands exactly in the same position as the £13,000. It was completed in the year 1840, and after 1831 the idea was still acquiesced in by all parties of an ultimate intention to build chambers, and of the keeping up of the deposits fund for the purpose of building chambers. The last item—the purchase of the library house for the effects for £1,300—is quite a modern transaction—about 1855—at a time when nothing could be done by either party to alter their rights, when the discussion in Parliament was proceeding as to fixing the solicitors, from the jurisdiction of the Benchers. The result, I therefore submit, is that, going carefully through this elaborate account they have furnished us with—and I think I have shown that the items with which they seek to charge us are not maintainable—having made such observations as occur to me on the report of 1859, as the result of all, I submit to the Commissioners that from the sum of £25,000, which we have based into their hands as deposits for chambers, there ought to be a deduction made, as of the date of 1844, and from 1834 to 1840, of so much of that £28,436 16s 8d, as the Commissioners shall come to the conclusion fairly represents the cost of erection and the cost of purchasing the ground of so much of this building as the solicitors

are now in possession of, or of which the Benchers would be willing to put them in possession of, making an actual conveyance for that purpose. I observe in the case of the Benchers, as stated, that there is nothing in the Act of 1846 directing that any conveyance should be made by the Benchers to the Incorporated Society of Attorneys and Solicitors, and that a lease was executed of certain rooms instead of an actual conveyance. No question as to that can arise here, because the only matters that can now be dealt with by the Commissioners in answer to the inquiries involved in the Commission are those specified; and in respect of those, I ask the Commissioners to return as the amount received for deposits for chambers the sum mentioned in the accounts sent in; to state, in respect of the application and disposition of it, that no portion of it was strictly applied to the purpose for which it was received, but that some of the money was applied, with the consent of the body of attorneys and solicitors, to the purposes I have already mentioned, and was accepted by them as an equitable satisfaction of so much of the fund as the Commissioners will come to the conclusion that item of £28,436 16s 8d ought to be reduced to; and that you ought, also, to find that the rest of that sum of money, together with the dividends which have accrued, remains in the hands of the Honorable Society of King's Inns, unappropriated to the purpose for which it was received. The only other part of the inquiry is, whether the Incorporated Society are in possession of suitable buildings for the accommodation of that branch of the profession of which they are the governing body. That is a matter which I apprehend will be for the personal observation of the Commissioners; but I may venture to say, that if you compare the buildings which remain in the possession of the Benchers, as representing the profession of the bar—that is, the splendid building in Henrietta-street, with the new retiring rooms that have been built, the magnificent library, erected at an expense of £11,000, and the rooms that the Benchers have retained in the building at the Four Courts—when you compare these with the building now in the possession of the attorneys and solicitors, no one can fail to see that the buildings that have been retained by the bar are three, or even four times more valuable, and better suited to the purpose for which they were erected than the buildings of which the attorneys and solicitors have possession. I now propose to examine Mr. McCurdy, to prove the measurements and calculations he has made, and as to the manner in which the same expended ought to be appropriated. I do not know whether you would wish that this should be done by some person appointed by the Commissioners. We are, however, prepared with the evidence, and you can, under the 14th & 15th Vic., where you examine a witness, administer the oath.

Lord MONCK.—Certainly; examine Mr. McCurdy as to the value of the land and buildings, and the division he has made. We are prepared to hear what he has to say.

JOHN MCCURDY sworn, examined by Mr. G. Fitzgibbon.

1. Mr. McCurdy, are you an architect and civil engineer?—Yes, I am.

2. Did you examine the maps furnished by the Benchers of the ground purchased in 1834?—I did.

3. Did you make a calculation to ascertain how much of the land included in the purchase then made is now covered by buildings of all sorts?—I did.

4. Did you take the proportion that the oblong block in the centre—I may call it the rectangular block in the centre—bears to the entire building on that ground?—Yes.

5. Just state for the Commissioners the proportion it does bear?—Shall I not forth the entire number of feet in the plot? [Refers to map]. The space covered by buildings within the area circumscribed by the blue line amounts to 14,590 feet, of the above the Society's apartments on the ground floor cover 1,053, and on the floor above 5,673, feet.

6. I want to ask you this to make it clear. Does this 5,075 feet include the entire portion covered by the long plot in the centre?—No, it excludes the staircase.

7. Excluding the staircase?—Yes.

8. Have you got the measurement of the staircase?—Five hundred and sixty feet.

9. Have you got the number of feet covered by that long plot of building—the total of the long plot?—I have not, but it is a very easy matter. Add the staircase, that is all I omitted; 560 feet more added to 5,075 will give the area of the oblong plot.

10. Is this correct, that taking the entire area occupied by the building to be 14,590 feet, if this oblong plot was given exclusively to the attorneys and solicitors they would have 5,855 feet?—Quite so.

11. Did you make a calculation to ascertain what sum of money that would come out of the £13,000?—I did.

12. Lord Moser.—Do I understand you to say that the 14,596 feet includes only the portion covered by buildings, or the whole purchase?—The part covered by buildings.

13. Mr. Fitzgibbon.—The 14,596 is covered by actual buildings.—By actual buildings, yes.

14. Did you ascertain how many feet are in the whole ground?—Not on this, but on a former occasion; in round numbers it was 30,000 feet.

15. Did you make an estimate of the proportionate value of the portion now exclusively occupied by the Society to the rest of this block?—I did.

16. That is what we want. The 5,635 feet is on the assumption we had the entire block; we will see how much we have got?—£2,366 is the value of the 5,635 feet.

17. Of that £2,366 how much is occupied by the Society of Solicitors?—On the ground floor, 1,055 feet, on this floor 5,075 feet.

18. You say that is equal to £2,366 at the same proportion as the rest?—At the same ratio as the whole plot.

19. Are you speaking now of the purchase money of the land?—Yes.

20. Do you mean the £13,000?—I do.

21. For the land?—Yes.

22. Mr. Le Fane.—What do you take the whole land to have cost?—£13,542.

23. What would be the cost of the 14,596 feet?—The cost of that would be £6,635.

24. Mr. Fitzgibbon.—Did you make any calculation with respect to the entire cost of the buildings?—I did, some months ago.

25. Have you got it now?—I think I have a copy of a report I find here [refers to report] that the total area is 30,310 feet.

26. You prepared that report yourself?—I find that block "A," which forms part of the pentagon, in which the coffee-room is contained, measuring 114 feet by 48 feet, would cost in building £10,820, exclusive of the portion of same in basement occupied by the Honorable Benchers, and which I would estimate at £1,036, added to the above amount it would make the total cost of this plot £11,856. I find the block marked "B," the building at right angles to the foregoing, and now in possession of the Honorable Benchers, would cost in building £5,952, and I would consider a reduction of ten per cent, in consequence of depreciation from the operation of time, a fair deduction from the foregoing value of the building.

27. The £1,036 does not include the coffee-room?—No.

28. Did you make any calculation as to that?—No.

29. That represents the floor below—part is used for a wig-room, &c.?—I believe so.

Mr. Le Fane.—Is the floor below in the possession of the Benchers?

Mr. Fitzgibbon.—Yes. We have two apartments; with that exception all the rest is in possession of the Benchers.

Dr. Battersby.—There are arbitration rooms.

Mr. Fitzgibbon.—The £5,952 in this paper [report] will be the proportion which that cross building [on plan] represents of the larger sum; that includes the library for the bar at the other side altogether.

30. Dr. Battersby (to witness).—You made a survey before, for the Benchers, of the rooms between the coffee-room block and the Benchers' rooms—are you able to tell the Commissioners what the value and extent of that would be?—I could hardly say what is the value of that block.

31. Are you aware that the Benchers offered to the solicitors that building, and that you made a survey of it?—I did, for the Benchers.

32. Could you tell the Commissioners what the extent of that measurement was, and what is the value of it?—Unless I had the plan I could not. I have not got the plan. It is some years ago.

33. About two years ago?—Yes. If I had got the plan I could easily make a calculation of what ought

to be it would be the portion of the ratio of the rectangular building.

Mr. Fitzgibbon.—Mr. Goddard has the plans. [The plans were sent for and examined by witness.]

Fitness.—You want the portion that I planned at that time to be cut off for the Law Society?

Dr. Battersby.—Exactly. An offer was made to give the whole building.

Mr. Pallett.—Such an offer was never made. It is all in writing.

Mr. Fitzgibbon.—The Benchers' chambers are on the ground floor. There never was any offer to give them.

Dr. Battersby.—There was not, but of the space between the two [referring to plan]. We never offered anything on the ground floor at all. There are the Benchers' chambers.—

Mr. Le Fane.—How would it affect in any way our finding, what is in possession of the Benchers?

Dr. Battersby.—In this way. Part of the inquiry, at the solicitors' instance, is to ascertain whether they have sufficient accommodation and I think it right to tell the Commissioners that in giving them the part I have mentioned, contacting these two buildings, it would be sufficient accommodation; and we were always ready to give that, and even to go to the expense of putting the place in proper repair, if never was properly finished.

Lord Moser.—That is not necessary for our inquiry at all. We have to report what then are in possession of.

Mr. Skeffton.—They did not offer to give up possession, but to make a lease.

Lord Moser.—We are only to report what they are in possession of.

Dr. Battersby.—But you are to report what is sufficient accommodation.

Mr. Skeffton.—I understand there was not an offer to give them in return, but at the state they were in.

34. Dr. Battersby.—That is not so. (To witness).—What would be the value of that portion?

Witness.—The value of the portion that the Benchers directed me to allow as allocated to the Law Society would be £4,170, by the plan I have before me.

35. Dr. Battersby.—At that time, I believe, it was estimated that it would cost £1,000 to put it in repair for them?—About £1,000, as well as I remember.

Lord Moser.—Is there anything else to be asked?

Mr. Pallett.—I would be glad that he would ascertain against to-morrow morning what proportion the value of the building now in the possession of the attorneys and solicitors bears to the value of the entire building. This would enable us to ascertain exactly in money numbered the value we have. Putting in the report of 1839 and memorial of 1839—subject to asking Mr. McCarty a question as to the proportion of the actual cost of our buildings—we close our case on the part of the attorneys and solicitors.

Mr. Pallett.—My learned friend has alluded to the building-ground occupied by the Government agents. I am not in a position to prove to you exactly at present what the terms are on which the Government hold that portion of land on which the Government buildings have been erected, but I can state that, substantially, the Benchers never had taken, nor will they ever take, any benefit from it. I have now merely to hand in to you the protest which the Attorney-General on the last occasion stated he would hand in, and which he verbally mentioned at that time. If the Commissioners wish, I will read it.

Mr. Le Fane.—Is it the protest of the Benchers?

Mr. Pallett.—Yes. We have put in writing the grounds of our protest. [The learned counsel read the protest as follows:—]

"The Benchers of the Honorable Society of the King's Inn hereby respectfully protest against the Incorporated Society of Attorneys and Solicitors of Ireland being permitted to interfere in any manner in reference to the last branch of the inquiry directed by her Majesty's Commission, that is to say, the inquiry 'as to the total amount of the sum received by the Honorable Society of the King's Inn,'

1846, upon the admission of attorneys and solicitors, or deposits for chambers, and in what manner the same or any part thereof has been applied and disposed of, and whether any and what portion of the amount remains unappropriated to the purposes for which it was received."

"The following are the grounds upon which the Benchers make this protest:—

"First—Because the Incorporated Society never contributed any portion of the money received to and for the use of the Society of the King's Inns under the name of deposit for chambers.

"Second—Because the Incorporated Society consists of only about 425, out of about 8, 128, which is the total number of the attorneys and solicitors of Ireland, and has no right in this matter to represent the entire body of the members of those professions.

"Third—Because the members of the Incorporated Society having first procured a Charter of Incorporation, that body afterwards applied for, and procured an Act of Parliament (29 & 30 Vic. c. 84), conferring upon it certain important privileges, but not transferring to it any part of the property or funds of the King's Inns; and having thus for its own purposes, and of its own accord, finally separated itself from the control of the Society of the King's Inns, the Incorporated Society has no right, after the lapse of years, to claim the money of an institution, from which it has voluntarily withdrawn.

"Fourth—Because, even supposing it possible that after their long acquiescence the individual attorneys and solicitors who made payments to and for the use of the Society of King's Inns, under the name of deposits for chambers, could now have any right to question the application of those funds, the Incorporated Society has no such right.

"Fifth—Because all existing attorneys and solicitors who have contributed payments to and for the use of the Society of King's Inns, under the head of deposits for chambers, of whom there are about 1,845, are still members of the Society of the King's Inns, and are individually entitled to enjoy, and many of them do in fact enjoy its privileges and advantages, as fully as if the Incorporated Society had never existed; and much of the members of the Incorporated Society as have not made any such payments (having been admitted under the present system) have no rights whatever in relation to the funds of the King's Inns.

"Sixth—Because by far the larger part of the sums received to and for the use of the Society of King's Inns, under the name of deposit for chambers, was contributed before the Incorporated Society came into existence, and by persons, many of whom were never members of it, and are long deceased. Whatever rights, therefore, of equity, or otherwise, might be supposed to have devolved upon their respective personal representatives at their decease, the Incorporated Society can have no such rights.

"While failing in this duty to enter this protest for the above reasons, the Benchers beg to repeat that they are, as they have been hitherto, anxious to afford to the Commissioners all the information and assistance in their power in reference to the subject of their inquiry."

"By order,

"JOHN D. O'HANLON, Under-Treasurer.

"King's Inns, 13th November, 1871."

Mr. POLLES.—It seems to me that this protest ought

not to be received at all; a protest against the question at issue in this Commission being tried at all.

Dr. BATTERSBY.—No, no; we don't say that. What we say, is that we are not engaged in any controversy with the solicitors.

Mr. POLLES.—That protest having been given in, although we attach no importance to it, still we think it right to put in the resolution of the general body of the profession of attorneys and solicitors, passed on the 30th of January, 1870, by which they approve of the course taken by the Council of the Incorporated Society in making and prosecuting the claim. This is the resolution:—

"That this meeting approves of and adopts the course taken by the Council of the Incorporated Society of the Attorneys and Solicitors of Ireland, in reference to the claim of the attorneys and solicitors of Ireland to the solicitors' Buildings, and the money paid to the Benchers of the Society of King's Inns as "deposits for chambers," and the payment of the balance in their hands, and that the Council of the said Society are hereby authorized, to take such proceedings either in Parliament or otherwise, on behalf and in the name of the attorneys and solicitors of Ireland, to establish their rights as to them shall appear most desirable."

Mr. PORTER.—Put in the names of the members of the profession present, and state whether they were members of the Incorporated Society or not.

Mr. POLLES.—With great respect I will not go into any such inquiry; it is the resolution of the general body of the profession, sanctioned in the usual way.

Lord MONCK.—If you wish to know my opinion about the matter, it is that I don't think either the protest or the resolution worth anything. We have entered on this inquiry as to the Incorporated Law Society, they are named in the Commission and being named for its purposes, at the same time I am bound to say that, with a view to otherwise proceedings, quite beyond our functions, it may be quite right to tender the documents.

Dr. BATTERSBY.—It is with that object we give it in. Lord MONCK.—So far as we are concerned it need not affect our report.

Dr. BATTERSBY.—It is with a view to show the status of the parties.

Mr. PORTER.—It would be desirable to have our returns that are put in verified *pro forma*.

Mr. POLLES.—We don't require it to be done.

Mr. PORTER.—Then we may take them as being in by consent on both sides.

Lord MONCK.—I assume that to be so.

Mr. POLLES.—I take the figures as correct, but there are a great number of statements in the returns consisting of matters of appropriation and deduction, that I don't admit as arguments; but that the figures are correct I am perfectly satisfied. Nothing, however, in the shape of argument can I be taken as agreeing in.

[The proceedings were then adjourned till three o'clock on the Thursday following.]

FIFTH DAY.

THURSDAY, NOVEMBER 16th, 1871.

The Commissioners, Lord Viscount MONCK and Mr. WILLIAM RICHARD LE FANU, sat at three o'clock in the Solicitors' Buildings, Four Courts.

Mr. Barry, Secretary, read the minutes, which were signed by Lord MONCK.

Lord MONCK.—We have been over the buildings here just now, and it occurs to Mr. Le Fanu and myself, that it will assist us very much in the inquiry and report we have to make if we could be supplied by the gentlemen acting on the part of the solicitors with a detailed account of the number of rooms which they have here, the size of the rooms, and the purposes to which they are applied, and also a statement of the additional accommodation which they consider they will require. There can be no controversy about it.

Mr. SKEELMAN.—We can supply you with the information as to the size of the rooms the solicitors occupy at present, there will be no difficulty about that. Mr. McCurdy, perhaps, will be able to do it.

Lord MONCK.—Get it on paper, and also what rooms they would need for additional accommodation—what would they think sufficient, and what more accommodation they think they ought to have. It is part of our inquiry whether they have sufficient accommodation.

The Attorney-General.—I submit to the Commissioners they ought to furnish the information, we cannot give assistance, we cannot say what they want.

Dr. BATTERSBY.—All we know is, that practically they have the whole of the building except the coffee-room; the coffee-room they now claim too. It is used for the purpose of the two professions, and is for the general accommodation of both.

Lord MONCK.—I don't apprehend we can enter into controversy on the matter between you and them. What we are asked to report is, have they got sufficient

accommodation, and, with the view of assisting us to make up our minds, we went over the building, and now we want to know what they ask for.

Mr. Fingbloom.—Probably the most convenient way of doing that would be for the Council of the Incorporated Law Society to prepare a statement. Put in that way it would be intelligible, and a copy of it could be sent to Mr. O'Hanlon and Mr. Croker. The statement might be prepared by Mr. McCurdy.

Mr. Skeelton.—The last day Mr. McCurdy was examined he was asked some questions as to amounts. He has examined, and will hand in this statement (producing document), and it will spare the necessity of examining him again.

[Counsel then read the document handed in by Mr. McCurdy.]

The Attorney-General.—The Benchers' part includes the coffee-rooms?

Mr. Skeelton.—Yes.

The Attorney-General.—That should be specified. The coffee-rooms stands in a very peculiar position. It is not, in fact, in the occupation of the Benchers.

Mr. Skeelton.—We say that the entire coffee-rooms is in the occupation of the Benchers, for the Incorporated Society has no control over it.

Dr. Battersby.—The Society has no control over anything. That is a thing we must discuss hereafter.

Mr. LE FANE.—According to this paper, what would be the total value of the land and buildings in the exclusive occupation of the solicitors?

Mr. McCurdy.—We must take the land only, a plain surface, I presume, to answer that question!

Mr. LE FANE.—Yes.

Mr. Fingbloom.—That is charging us with the entire proportion of the land.

Mr. McCurdy.—£9,501 14s 11d. That is obtained by adding the sum of £470 1s 4d for the land value, to £9,031 13s 7d for the building value.

Mr. Fingbloom.—With reference to what he has stated the last day it will be right to explain that that £470 1s 4d was calculated with respect to the area or space covered by the building itself, broken up into floors. It is impossible to do it any other way. We gave also, the last day, the proportion of purchase money of the whole land that would be covered by this building, and that amounted, you recollect, in round numbers, to a third of the whole of it. It was £0,433 to £2,366.

Mr. LE FANE.—Yes, that £2,366 ought to be added.

Mr. Fingbloom.—Yes, but that would be charging us with the whole purchase money of the ground covered by the buildings. It would suppose them to be all in our possession. In fact it is broken up into the proportion occupied by us, and what is occupied by the Benchers, and we ought to get credit for that.

Mr. Foster.—I believe the land included in that purchase comprises the portion occupied by the Government for courts and matters of that kind, and the portion so held by them is held simply by them under lease from the Benchers, without any payment of purchase money or rent. The Lord Lieutenant applied for liberty to build the courts on it, and the Benchers considered it was for the benefit of the whole profession that they should be built upon it.

Mr. LE FANE.—Do you recollect what is the area of the land, and the value of the intermediate building, the rectangular part—the part at right angles to the parallelism?

Mr. McCurdy.—Yes, 3,753 feet is the area of the building at right angles, that is of the land on which it stands.

Mr. LE FANE.—What is the proportionate value of that to the whole of the land purchased?

Mr. Skeelton.—The whole was 14,596 feet; that is the space covered by the building.

Mr. McCurdy.—Taking it at proportionate value to the whole land it would be £1,963.

Lord Moser.—On which the cross building stands? There was a statement made here the other day, and I would be glad to know whether it is admitted by the Benchers' counsel. It was this, from 1792, when these

payments first began to be made, until 1826, there does not appear to be any remittance on the part of the solicitors, or anyone representing them, at the nomination of chambers. That, I believe, there is no doubt about.

Dr. Battersby.—That is the fact.

Lord Moser.—But it was stated at the time that fact was communicated that there was some disability on the part of the Benchers to build, in reference to the conditions under which they held this property.

Dr. Battersby.—It was so.

Lord Moser.—And that accounts for the solicitors not having made any movement until 1826?

The Attorney-General.—No.

Lord Moser.—Perhaps it is better not to mention any inferences, I merely wanted to learn the fact.

Dr. Battersby.—What we allege is this, and it is true to this extent.—As the King's Inns, on the unoccupied ground that exists there, there was an Act of Parliament of George III., which provided that the Government should have the erection of a second building running parallel with the dining hall; and in that Act of Parliament it was provided that the Benchers should not build adjoining to that building which Government was going to erect, and it was continued down until 1826 or 1827, when the provision was repealed.

Lord Moser.—Just so.

Mr. Fingbloom.—Let me remark that the statement made was a statement of the Benchers themselves, taken from their report of 1826. It was there we got it. There it is we find the Benchers' Committee in 1826 say, that they found the balance of 215,000 named, and they conceive it just to the Society to expend it on building chambers, and declare it to be their decided and unanimous opinion that it would be manifestly just, and so on, to build two sets of chambers, one for the law, and the other for attorneys. They then refer to the plans and general estimates furnished by Mr. Dorcy, who was employed by the Society in superintending the building of the library then in progress, and concluded by again recommending the application to Government immediately for a repeal of the 3rd section of the 54th George III., chapter 113, whereby it was declared the building on any of the ground to the south of the premises vested in Her Majesty should not be lawful; and they state "there appears to be the strongest reason for thinking that no difficulty could arise or objection be made to repeal or modify this clause," and I may state that it was repealed by the Act 7th of George IV., chapter 13, passed in 1826. The report then goes on to state—

The Attorney-General.—What I was going to say was this, that that only applies to a certain portion of the premises, it does not prevent their building elsewhere. It only referred to the part adjoining the building alluded to.

Lord Moser.—That disability did not affect the whole of the land?

The Attorney-General.—Certainly not.

Mr. Skeelton.—They had not purchased other land at the time.

The Attorney-General.—That can be answered again. I am prepared to admit that they had not land at the time, but they might have purchased land.

Lord Moser.—They had not got it, and they were prevented by the Act from building on the place they had.

The Attorney-General.—We don't admit that. We don't admit that they could not build on part. We know nothing of that except what is in the report.

Lord Moser.—What is in the report?

Mr. O'Hanlon.—It was only small portion, in relation to the entire land, lying to the south of the Registry Office. In the Act of Parliament by which the Government took it there was a section preventing the King's Inns Society from building on the ground lying to the south of that, but they had the rest of the ground—upwards of two acres.

Lord Moser.—They had other grounds beside?

Mr. O'Hanlon.—Oh, yes.

The Attorney-General.—I will show first from the very terms of the report

Mr. *Shekleton*.—The recital of the Act of Parliament is—"That it is expedient and just to enable the Society of King's Inns to build on their own ground in their own possession."

Lord *Mowat*.—That is quite consistent. (Addressing the Attorney-General).—Well, now, what course do you propose?

The Attorney-General.—Previous to giving in our report it has been suggested to me that I should make a few observations with reference to the case opened by my learned friend Mr. *Palles* on the return. I confess I would much rather that my learned friend here would dispense with my presence, because not having the advantage of hearing Mr. *Palles*—only having just returned to Dublin—and not having had an opportunity of looking through the returns, it would be more satisfactory to have my friend here deal with the matter than me. But I wish to appear because I do not like to seem indifferent to a matter which I feel a very great interest in as a member of the Bar and as a Benchman, as well as counsel in the case, for I feel very strongly that the result of the solution getting what they ask for, or propose to ask for, under this Commission—if they put a report in their favour—will simply be the annihilation of an institution for which I entertain a high respect, and which, I think, has very many respectable and useful associations connected with it. My learned friend Mr. *Palles*, as I understand, of course insisted that the deposits for chambers formed a sum clothed with a trust for the building of chambers, that is to say, once the Benchmen got that money they had contracted with each person who paid it that that money should be expended in the erection of chambers, and that if it were not so expended the individuals who had contributed that money were entitled to come in and say, "We must get back our money," and he proceeded, as I understand, to establish and sustain that principle by reference to the report of 1826, to the memorial of 1830, and what happened consequent on that. Now, I understand that my learned friend stated that in 1830 there was a specific appropriation to the building of chambers for the solicitors of the sum of £30,000; and the stress that I understand he laid upon that sum as the sum appropriated was that it would seem that that was the amount very nearly—no fraction over perhaps—contributed by the attorneys up to that time; and finding the Benchmen in 1830 appropriated that precise sum, he argues from that, that it was a recognition that the sum so contributed in three instalments of £11 7s. 6d. was the sum which the Benchmen were under a legal and moral obligation to expend in the erection of chambers. Well now, I apprehend that on looking at the Report of 1826, nothing can be further from the true construction of that document than the idea that it was then the recognition of a moral or legal obligation, on the part of the Benchmen, to expend the money in the erection of chambers, because it was received as deposits for chambers. Now, of course, that the intention or project of erecting chambers, on the plan of the English Inns of Court, was one that had entered into the minds of the Benchmen, as the governing body of the profession in Ireland, no man in his senses can doubt. The very phraseology of the title (though, as I must respectfully but confidently contend, nothing at all approaching to a contract or a trust for the expenditure of that particular money in the erection of chambers), the very language of the rule, the very designation given to the sum paid, shows that there was in the contemplation of the profession at the time, and of the Benchmen, as governing body of the profession, an idea that they should form Inns of Court, or an Inn of Court, on the same principle as the English Inns of Court. Well, that being so, let us see what was the meaning of that. It was this, that there was a general feeling that the Benchmen would confer an advantage on the profession, and that it would be a convenience to the profession, to have these chambers. But more than that—they plainly—as I will show from the Report of 1826—they plainly regarded

this erection of chambers as a matter from which they would derive emolument, for the maintenance of the institution. But the notion that they undertook to do it, that they contracted to do it, because they got a sum of £11 7s. 6d. from each man, is what I say is not only antagonistic with common sense, but with the language of the very report my friend read. Now let us see how the report stands in its language. As to the intention of a contract to build chambers for this £11 7s. 6d., how many chambers were they to build? Were they to erect a set of chambers for each man, and was the man who did not get a set of chambers erected for him—was he to be at liberty to come in and ask his money back? How was it to be done—what particular claim had any individual? When was it to be determined whether he had or had not his chambers? Because the case by my friend on the other side is this—that the Incorporated Society now representing each individual who paid this money has exactly the right of that individual, and that right could only be, in case a contract was made with him to expend his £11 7s. 6d. in the erection of chambers, to come and say, "You have not given me chambers, therefore give me back my money." I will call attention presently to the words of the rule, which I did not see on the last day, and which are much stronger, in the view I would put, than I thought at first. This is the Report of February, 1826.—

The Benchmen having been specially summoned to attend a meeting of the Standing Committee on this day, for the purpose of taking into consideration the building of chambers, the individual Benchmen have accordingly met and fully considered the subject. They beg leave to report to the Benchmen that it is their decided and unanimous opinion that it would be manifestly just and highly expedient for the interests of the Society to erect two buildings, consisting of six sets of chambers each, as delineated in the plan annexed, as a commencement of a general plan of building chambers to be reduced and executed, and subject to the suggestions which they beg leave to offer for the consideration of the Benchmen at large. It appears to the committee that since the Statute of 1792, the Society has required and received from each barrister called a deposit of twenty guineas.

Mr. *Shekleton*.—You have put the stop in the wrong place. It is from each barrister called.

The Attorney-General.—I say from each barrister called, a deposit of twenty guineas for chambers, and from each attorney sworn and admitted, a deposit of ten guineas for chambers.

That the gross amount of these receipts calculated in a general manner and subject of course to some errors, commencing *Walter Term*, 1792, and ending *Michaelmas Term* last, would amount to the sum of £26,174 12s. 3d., that deducting thereout the gross amount of the sums expended by the Society on buildings calculated in a like general manner, and subject to the general errors, and including therein the sum appropriated for the erection of a library now in progress, the balance appears to be a sum of about £15,674 3s. 2d., without calculating the profits arising from the dividends received upon investments. That upon an average of ten years, ending the first day of the present *Hilary Term* the annual income resulting from these deposits for chambers amounts to the sum of £1,332 8s. 7½d. Irish currency, that it appears to the committee that the said balance of £15,674 3s. 2d., and the said annual income which will not probably decrease, are both funds which it would be just in the Society to apply to the object under consideration, and it would be highly advantageous and expedient for the Society to apply part of its other funds, if it were necessary, to this purpose.

Now, it is perfectly plain that the Benchmen at that time, in 1826, however they might have considered that it would be just and advantageous to erect further buildings, plainly thought they were entitled to credit for the erection of the library, which I understand is entirely denied by my learned friend Mr. *Palles*, who contends that because they were not chambers properly so called, they were not entitled to credit for them. But there in the report, the first time this matter was in any way seriously mooted, there we find them stating that, deducting thereout the gross amount of the sums expended by the Society on buildings, calculated in a like general manner, and sub-

ject to like errors, and including therein the sum appropriated for the erection of the library now in progress, the balance appears to be a sum of about £18,074 5s. 7d., without calculating the results arising from the dividends received upon investments. The report then goes on to state—

"That it appears to the committee that the Society are paying an annual rent of £1,120 18s. 9d. British currency out of the premises held by the Society at Henrietta-street, exclusive of the rent payable for the premises where the library building is now erecting, but that while the Society is subject to this heavy onerous rent, all the rest of the ground unsurveyed by the hall and the Prothonotary Court and record office, is waste and not merely unproductive, but in such a state of disorder and neglect as to be dangerous to a public body, having funds properly applicable to make and keep it in suitable order. That the principal of the suggestion which the committee beg leave to offer is this, that it would be expedient by a due application of part of the funds of the Society to the purpose of building, to commence a system of improvement which would render this ground, thus waste and unproductive, and out of which so large a head-rent is payable by the Society a source of permanent and regular income, yielding ground rents to the Society, while it would realise the object for which the deposits already mentioned have been hitherto and still continue to be received. That the course which it appears most eligible to the committee to recommend, is that the Society should apply part of its funds to the erection of two buildings, consisting of six sets of chambers each, already mentioned, according to the plan annexed, one building for the bar members of the Society, and should let these chambers to members of the Society for payment of a given rent of free and rents, and should then proceed to advertise and let the remaining building sites of the said ground, to persons disposed to invest their capital in constructing similar buildings, to be erected and built according to these two model buildings, so as to render the face of these buildings, which would have the newly-projected line of a new street in front of these, similar and uniform, and by insuring a reasonable and reasonable ground rents out of each site, and by proper covenants and stipulations, to secure that these chambers should only be let to members of the Society. After a previous approbation of the Society, entered in their books as a manner to be specially provided and regulated, by a system of rules and regulations for the purpose."

"That the committee have obtained the annexed plan and general estimate of these two buildings, intended as a commencement and model buildings from Frederick Darby, jun., esq., the architect employed by the Society, superintending the building of the library now in progress, for which they have ordered him the sum of £10 10s."

"That the sum computed for completing the said two buildings is the sum of £8,000, as stated at the foot of the plan, and that the return on which the Society may reasonably calculate, and the committee think would be just, on payment of part of this capital thus invested in fees for the said chambers, which may be reasonably estimated at some sum between £3,500 and £4,000, and so, so, the sum reserved upon these chambers."

"That the immediate repayment of part of the capital and permanent income, to the Society, appears to the committee to be the immediate and probable result of such an application of part of the capital of the Society, and that the primary consequence likely to result would be that the remaining ground, now wholly unproductive, would yield a permanent income in well secured ground rents, which would be available at all events in part for the payment of the heavy head-rent of £1,120 18s. 9d. British per annum, paid by the Society for this ground, now waste and unproductive."

"That considering the subject abstracted from mere pecuniary views, the adoption of such a plan of building appears to the committee as likely to produce much convenience to the members of both professions, and is probably conducive to the advancement of professional knowledge and regular habits of business. That such an improvement is also likely to unite with and form a leading part in the plan which the committee understand to be under the consideration of the Commissioners of Wide Streets, for opening a wide and convenient passage from Court-street to the Four Courts, by procuring a very suitable opportunity for opening a new street through the ground of the Society to Elm-street, &c."

"The committee further beg leave to suggest, that if the Society shall adopt the suggestions of the committee on the subject, it will become expedient to revise the rules as to chambers, contained in the printed book of rules of the Society, printed in 1794, and that it will be further expedient, in order to promote the interests of the Society to their hall and just extent, in letting part of the sites for buildings in this waste ground already described, to apply to Govern-

ment, to submit to the wisdom of Parliament to modify or repeal the 3rd section of the 54th of his late Majesty George III., cap. 113, whereby it is enacted that it shall not be lawful for the Society, or any person whatsoever, to build on any of the said ground to the south of the said premises thereby vested in his Majesty, but that the same shall continue, and remain unsold upon."

"That the proviso would exclude the Society from building upon part of the premises."

Now, really it is a little bit astonishing that gentlemen will get up sometimes and think the reading of part of a document. Here the Commissioners were left for a considerable time in doubt as to whether this was the whole or part. I did not know which it was, but here it is now on the face of the document that this provision would exclude the Society from building upon part of the premises, but that upon inspecting the map and the projected new street, there appears to be the strongest reason for thinking no difficulty could arise, on objection be made, to repeal or modify this clause. Therefore it is perfectly plain that they had obtained, as I understand, the whole of Henrietta-street, with this restriction, that they could not build on the place mentioned.

Mr. *Sheelton*.—They have none of Henrietta-street at all.

The *Attorney-General*.—Do it so. At all events this is perfectly plain—that they were not prohibited by Act of Parliament from building on all their ground. That is the only proposition I am bound to prove, and it is proved on the face of the report. Now, I contend that that report, from beginning to end, is based on the assumption that it would be a useful project, no doubt, as was the idea from the very first, when money was received as deposits for chambers, that chambers would be built if they got a good locality, not that they must build chambers. But as to saying that there is one note of recognition, on the face of that report, that it would not only be prudent to meet chambers, but that they were under a moral and legal obligation to do so, I emphatically deny it. It is impossible to read that report without seeing that it is nothing more than a suggestion from the Committee, that it would be advantageous to the profession as well as to the Society, and useful to the Society in a pecuniary point of view, to have those chambers made. But again I ask, and this is a part of the case I cannot express myself too strongly on—what number of chambers were they to build? Supposing they spent the whole sum on building a set of chambers such as some of us lived in, in Lincoln's Inn, and the Temple, and elsewhere, in our younger days,—supposing they did, those chambers would not have accommodated one-fourth part of the number of attorneys, and if so, who were to get them? and what was to be done with the men who got none? Here is the memorial—

"Your memorialists respectfully submit that the erection of chambers suitable to the accommodation of their profession has long been an object of interest with the Society of the King's Inns, as evinced by their sales, and the foundation of a fund from payments made by attorneys upon being admitted members of this Society. From the report made by the Benchers in the year 1826, and from other sources, your memorialists have ascertained, that there are now funds under the control of the Society which are fully adequate to the purchase of ground and the erection of such chambers. With a view to the speedy attainment of this important object, they have made inquiries respecting ground which would be desirable as a site, and find that a space sufficient for the purpose may be obtained at the rear of the Four Courts, the eligibility of which (on every point of view) surpasses that of any other situation. Under the circumstances your memorialists humbly submit to the consideration of the Benchers not only the necessity but the propriety of applying as much of the funds, so raised and accumulated in the hands of the Society, as will be sufficient to purchase the ground to which attention has been made, and thence to erect sufficient and convenient chambers for their profession, according to such plan as may be thought advisable by the Society, and your memorialists hope that you will be pleased to intimate to them the result of your consideration of this their most respectful memorial."

Now, take these two documents in connexion with each other, and this is, I submit, excessively clear, that in 1826 the Benchers never thought they were under

a legal obligation to provide such chambers as may be deemed most conducive for, or any chambers at all, and secondly, that in 1830 the attorneys did not believe that they had a legal claim to have such chambers erected. On the contrary, they suggested what was subsequently done, namely, that a space at the back of the Four Courts should be procured, and the buildings erected upon it which have been built. How far they have got sufficient accommodation in those buildings, how far it is their own fault they have not got more, it is not perhaps necessary for me to say, but on that subject I will merely refer to the offer that was made on the 16th of June, 1840, which was handed in by my learned friend Mr. Battersby, and which I find is as follows:—

"King's Inns, 16th June, 1840.

"Mr Dean, Sir.—In answer to your communication of the 22nd of January last, enclosing a statement of claims submitted by the council of the Incorporated Society, on the part of the attorneys and solicitors of Ireland, as funds in the hands of Benchers, I am directed to state that upon full consideration of the matter, the Benchers are of opinion that the attorneys and solicitors of Ireland have no valid claim to a return of the deposits, allotted to them in the statement. As to the apartments required by the council, I am directed to say that the Benchers are willing to make arrangements by which the attorneys and solicitors shall have the use of the apartments situated below in the accompanying plans, on the first and second floors of the Benchers' building. This portion of the building being at present unoccupied, and without any proper means of approach, the Benchers will be prepared to complete it (not including fittings up, painting, papering, or decoration) and connect it with the apartments now occupied by the Incorporated Society:—

"I am, my dear sir, very sincerely yours,

"John D. O'Malley.

"John H. Goddard, esq., Secretary Incorporated Society."

That was the proposal we made in 1840. Now nothing further; I do submit with great respect, from the true construction of these two documents, than an admission on the one hand of positive liability or a claim upon the other, can be imagined. Now, that admission is in 1830, and that is followed up, and in 1831 a letter is written by Mr. Frederick Darley, who is, I presume, the same Mr. Darley so made the plans for the library:—

"At a meeting of the Irish Law Society on Wednesday the 16th instant, for the purpose of considering the subject of erecting a hall and arbitration chambers for the accommodation of their profession, it was agreed that I should communicate to the Honourable Benchers of King's Inns, on their meeting the day, the objects the Irish Law Society have in view, and which are in substance as follows:—1st. The purchasing of the ground around the courts for the purpose of erecting chambers. 2ndly. Their intention of appropriating the Benchers' of King's Inns to erect on each part of this ground as they may think best suited to the purpose a hall and arbitration chambers for the accommodation of the attorneys, and that the site of ground on which this building will stand be purchased by the Benchers of King's Inns, in order that it shall become the property of the Honourable Society. I beg leave to remark that the Committee of the Irish Law Society thought it right I should make this communication, as I had been directed to assist them in ascertaining whether there is at this moment any ground around it or near the property of the Society of King's Inns, on which this hall could be erected, and I have to report that there is no space eligible for any building purpose."

"FREDERICK DARLEY, JUN., solicitor

"King's Inns, January 22nd, 1831."

Now that was Mr. Darley's report, and he reported, accordingly, as I understand, that £30,000 would suffice, and that was the reason that that sum was adopted, and there is not one shadow of a person, except that it turns out that the amount contributed up to that time by the attorneys happened to be £39,000, and that the two sums approximate each other in amount, there is not one single tittle of evidence to show (and I rather think the whole facts lead to a contrary conclusion) that the amount of £30,000 was in any way fixed, because it was the amount of the contribution, up to that time, of the attorneys. And in then memorial they don't

say, "You have £30,000 of our money," but what they say is this, "Here is a fund sufficient to purchase ground." They never suggest that that is the exact sum which they themselves contributed. What occurs? These buildings were then erected, and in 1841 the solicitors got possession of the part which they now have possession of, and here is the report of the Building Committee respecting the apartments to be allocated to the attorneys and solicitors, and respecting the arbitration rooms. (This document has not been given in evidence before.)—"We have this day, May 16th, 1841, inspected the three rooms." And the attorneys sign this document, "Reserved possession of the three rooms intended for the accommodation of the solicitors and the attorneys this 29th day of May, 1841—James Dunn, Samuel Knox, Alexander Montgomery, William Cathers." Now, they take the chambers in 1841. They don't then pretend that they have not got sufficient. They don't then say, "We object to this; this is altogether an enormous expenditure of the money; we were to get chambers like the Inns of Court in England." They say nothing of the kind. They reserve that for a period long subsequent. I certainly will say that taking these documents, I cannot for one moment conceive that they in the remotest degree bear the interpretation that, as I understand, is put upon them by my learned friend. He won't give credit for the library, but that document that he afterwards expressly claims credit for the library. He won't give credit for any buildings, except so far as they have got them. He says, "that money should be applied in the building of chambers." That is only again to reiterate the proposition which we have to consider. I insist that the work deposits for chambers never meant that that money was to be spent on the building of chambers, but that it was merely, as I say, a contract that, in the event of chambers being built, that sum of money should be allowed. Now, my learned friend, as I understand, has stated that this case is to be likened to the case of a dissolution of partnership. He says there was a description of partnership between the Body of Solicitors and the Benchers, and that it was dissolved. Well, I deny the analogy most emphatically. I say that the case leaves no resemblance whatever to that. There never was a partnership between the Benchers and any other body, either the law or the solicitors. The law or practice of the country had erected the Benchers into a governing body for the regulation of the legal profession. They were endowed with the power of admitting men to the profession of the bar and the profession of the attorneys. For that purpose they were empowered to make regulations, to exact fees, and to maintain a suitable discipline. Whether the system of eating dinners, which has been so long in existence in both England and Ireland, as means of getting to the bar, was a very wise, or, as some people say, foolish mode for qualifying men for the practice of the legal profession, it is not necessary for me to discuss. Perhaps, after all, bringing together the students and the members of the profession, from the attorneys' apprentices—I don't know whether they are allowed to attend or not—but at all events from the law student to the Lord Chancellor—whether that has not had a good effect on the character of the profession, I am not prepared to say. I think it has had, and I think it is much to be regretted that there should be any disruption of those relations, but of all events it was considered wise, up to a very recent time, that those relations should be maintained; and I say that the Benchers were appointed the governing presiding body over the legal profession, and to make regulations as to fees, and they were invested with full discretion as to the mode of expending them. Now, let us see what are the funds provided under the rules of 1792. Here they are—"Payments to be made to and for the use of the Society—Student, in order to be admitted, five, six, or eight, stamps, so much, library, so much; barrister five, so much; deposit for chambers, £22 10s." Now, is it suggested that this institution could have been maintained in the manner it was maintained, that libraries could have been built, a common hall pre-

vided, and that at a very moderate rate, at one time very largely frequented by both branches of the profession, even within my own time, have been provided—is it contended for one moment that, striking out that £22 10s., all these things could have been accomplished by the other means of the Society? Certainly not. Now let us see what is this deposit. The "deposit for chambers, to be allowed when the gentleman shall purchase from the Society chambers or ground to build chambers on." Now has it ever been shown that at one time any attorney or number of attorneys ever came forward—until now after a lapse of seventy or eighty years—ever came forward and said, "We demand that you will either provide us now with chambers, which we are ready to purchase from you, or return us those deposits?" My learned friend accedes, well were, that the Benchers may claim credit for this building in consequence of what occurred in 1830, but according to him, even that was not a compliance in any way with this trust or contract. He says that we were under an obligation. There cannot be an obligation to the attorneys at large. At that time there was no such thing as an incorporated society under Act of Parliament entitled to say, "We represent the entire profession—we represent the consolidated right of all the individuals." The proposition is wholly untenable as any point of view. If there was a contract, there was a contract with each individual who was entitled to come in and say, "I demand back that £11, as you have not provided me with chambers. I am ready to purchase chambers—where are they for me? Give me back my £11." They never did anything of the kind—why? Because it was simply a payment "to and for the use of the Society," with a prospect held forth to the person paying it, that "we will do it if we can, and if we see our way to carrying out this idea of building chambers, then for, called a 'deposit for chambers,' will be allowed to you." As to saying that there was a contract with each individual, "We will provide you with chambers, and if not give you back your £11," I most emphatically deny that. When was it that we were to provide chambers? When was it that a man's right seemed to come in and demand the £11? For I say with great respect we must not consider this alleged contract in connection with the present position of the Incorporated Society under the Act of Parliament, you must deal with the case in relation to the former position of things, and they can put the case no higher than to say—at least I heard my learned friend say to the other day—that this is only a mode of getting over the complication and the difficulty of each individual, or the representatives of each individual, coming in and instituting an expensive suit for himself. Therefore he admits and must admit that the Incorporated Society cannot stand higher than each individual stood, and I ask you in any court of justice, equitable or legal, could any one of those individuals, or the executor of any one of those individuals, come now and file a bill to compel the return of his £11, because in his lifetime he did not get chambers? The thing is impossible to contend for. And upon what principle could the Incorporated Law Society do so, who have not the faintest title or right to represent him? For the purpose of this inquiry I admit at once they have, because your Commission recognises them; but that before any court of law, equity or morality they have a right to represent the individuals, I emphatically deny. But supposing they have, what is that right? A right to come in and say, "You contracted with me to provide me with chambers—give me back my £11." That never was, I assert, suggested, and I suppose that the attorneys in those days were, not to say too much, as acute as those at present. If it was subject to this right that they paid this £11 7s 6d., is not it an extraordinary thing that no man ever thought of coming in as an individual and saying, "Give me back my £11 7s 6d., which I paid you for a consideration." There never was a case of it. In 1830 the last occasion before this controversy arose, for on this point I put out of view everything that

has arisen since—in the very best document in 1830, the formal document of the attorneys themselves, as far from putting forward any such claim, they ask to have certain buildings down here at the Four Courts, which have been built. But with reference to this point of partnership, I say, where is the partnership? I say that the Benchers got the property—got the power—got the discretion—were the governing body, and were not in partnership with anybody. It appears to me to be quite as reasonable for persons formerly citizens of Dublin, and contributors to the corporation of funds with which buildings were erected, after they had separated and formed themselves into the Radcliffe or Pembroke Townships, to come in and say to the corporation "We are partners with respect to those buildings, give us them or give us our money"—that, I say, would be quite as reasonable as the case made here by the attorneys. I do submit that the payments were made generally, with the full discretion of the Benchers to apply them for the benefit of the Society. I admit at once that they cannot apply them for their personal benefit, but that no matter by what name those payments were called, they had the fullest discretion to apply them as best they thought fit for the use of the Society. And when my learned friend now asks you to take those most ingenious and complicated calculations about the feet and the area—I don't know whether there was anything said about cubic feet and the size of the rooms—he appears to forget altogether the broad substantial difficulty in this case, namely, that this was rightly or wrongly a governing body, regulating the profession and giving to the members of those professions huge advantages. The attorneys had the advantage of the library, such of the members of the Incorporated Society, and the present attorneys as were admitted before the Act of 1855, have still that right. They still have a right to use the common hall. Possibly in their generation they may be wiser than to esteem those advantages as highly as perhaps in my old-fashioned way I might. But, however, they have had those advantages, and for a long time, for seventy or eighty years, possibly thought they were an equivalent for the money they had paid. They have the library, they have the common hall, and the buildings erected for their convenience here, and though part of the ground that was purchased has been given to the Government, still I believe that that was given to the Government under circumstances most advantageous to both branches of the profession, and I am sure that if the attorneys of Ireland were polled they would willingly acquiesce in giving over to the Government, for the erection of the additional law courts, that portion of the ground, for I could not fancy anything more inconvenient to both branches of the profession than to have the landed Estates Court and the Probate Court in Henrietta-street; I think that was a great advantage to all parties concerned. I do not think I have anything more to say to throw light on the subject. I don't mean to refer to the protest, but I say that the position here of this Incorporated Law Society is most anomalous and most unjust in making this claim. They seek to represent the attorneys, many of them dead and gone for many years. They seek to represent the succession of attorneys who have been admitted since 1793. There may be one suggestion made that possibly if many of those men were alive—they were old-fashioned men like myself—many of them possibly would have dissented from that act of accession, by which the attorneys formed themselves into a separate body. Possibly, if some of those old gentlemen whose names we find appended to these reports and memorandums were alive now, arrangements might have been made under which the branches of the profession, governed by the Benchers and by perhaps another description, would have maintained the ancient institution. However, that has not happened, the attorneys have deliberately seceded and become incorporated by Act of Parliament and in that Act of Parliament a suggestion as to this matter never was made. If they

had made any such proposition to Parliament, the Benchers would possibly have taken another course in the matter than they did; and I confess that whether I signed the proposition itself, or the period or circumstances under which the proposition has been made, I do submit that the position taken here by the Incorporated Law Society is not a just one. One word as regards the questions asked on this Commission. I understand my learned friend has suggested what I think would be in general terms the view of the answers which we would ask the Commissioners to give. You are asked to "inquire and report as to the total amount of the sums received by the Honourable Society of the King's Inns as deposits for chambers." Well of course as regards the sum, that is a matter I need not say anything about, but we would ask that either as a direct answer to the question, or in a convenient portion of the report, it will be explained that though this is designated "deposits for chambers" the Commissioners do not find that there was any contract with the individuals paying, that the money was to be expended in chambers, although there may have been a general project in the minds of the Benchers and of the profession at large, that sooner or later chambers might, if circumstances permitted it, be erected, and in that case an allowance would be made in consideration of those payments, but further than that there was no contract and no trust. Another of the questions asked by the Commission is, "whether any and what portion of that amount is appropriated to the purposes for which it was received?" Of course, the answer to that in one sense would be to deduct what has been applied for buildings from the gross amount received, and to say that the remainder has not been appropriated; but again, qualifying the answer, you should further say that those were not the purposes for which it was received, because the money was received in general "to and for the use of the Society," with, as I said before, the understanding that if chambers were built and the individuals came forward to take them, he would be entitled to a deduction. Another question is, "whether the Incorporated Society of Attorneys are in possession of suitable buildings for their accommodation." That is a matter I shall make no observation about, but leave it for the consideration of the Commissioners.

My *Saturday* said, if your lordship will allow me, there are two or three matters to which I wish to call attention, and which I think, if explained, will tend to clear up matters. I submit that considering the position in which the parties are, and the nature of the appointment of these Benchers, and their character, that as to the money that has been received which is not converted, upon account of particular fees, amounting to £52,000—we don't deny it—there is a plain answer for you to give, and which I shall ask you to give with great respect, and it is that it has been applied according to the intention with which it was given, and I make that out in this way. When this order was made in 1793, for the payment of these fees, this Society had no house or rooms or place of abiding at all. They formerly had premises upon the site on which the Four Courts now stand. That site was taken from them by the Government, and they became homeless, and had no place in which they could transact their business, therefore it became absolutely necessary that they should find some place, and that they should make out offices and places, such as they have now, for the accommodation of the profession. In that state of affairs they began, in 1793, to use the moneys they had received in fees and otherwise from the profession, having I believe at the time no other property; they afterwards acquired some property, but at that time they had no property whatever, except what arose from these fees. At that time and since, and up to this moment, the Society of King's Inns did not and does not consist of three separate bodies, or two separate bodies, or of any separate parts united together in partnership; but it consisted and consists of one united body of the Benchers, the bar, and the attorneys, the Benchers being the governing body of the whole, without any separate interest or separate estate or separate claim existing on the part

of any one of them. At this moment these properties that are now the subject of our inquiries, are in point of fact legally vested in the Benchers for the use of the profession; the very right by which you are now reading is supplied by the Benchers, and they are the owners of the whole, but no doubt with this duty imposed on them of applying the property for the use and benefit of the whole body, which they endeavour to do; and I submit to you that the course they have taken, with regard to the moneys in question before you, was the best course they could take, and was in fact according to the intention of the parties. Now, that state of affairs as I said existed in 1791, according to the statute here, and existed from time immemorial long before 1791. And it exists now, because I believe there is not an attorney in this room, and I recognize the faces of most of them—who is not an existing member of the Society of King's Inns. I have had the honour of seeing in the hall of the King's Inns, since these things occurred, during the past session, some of the most distinguished attorneys who received the Lord Lieutenant as one of the members of this Society. That being the state of affairs, the Attorney-General asks upon what ground these persons, who are members of this body, can come before you or anybody, and seek to disavow this body which has been set yet dissolved? I submit to you that there is no ground whatever for that, but that, on the contrary, the proceedings that have been taken, for seventy-seven years last past, have been in fact taken for their benefit without a murmur on their part. I will not go over again the ground which has been taken by the Attorney-General on the subject of what took place in 1836 and in 1839, and up to the last time that any act has been done by the Benchers, because as has been observed already the Benchers, having never heard a complaint from anybody, were always anxious to do everything they could to accommodate the attorneys, and they were most anxious to build everything they could to accommodate any of the profession, down to 1836. But what happens in 1836? Why, there is a memorial to the Benchers, and a communication with the Benchers' architect, asking instead of lodgings to have this room in which you now sit, asking to have the solicitation rooms in which they have transacted their business since, asking to have this whole house, and the whole house they have got. If there was any error on the part of the Benchers at any time, in the application of these moneys, there certainly was no error or misapplication when, at the instance of the solicitors themselves, they applied this money in this way for those chambers which they now occupy, and which the Benchers never sought to take from them, but which the Benchers were always ready to extend to them and increase if they required an increase, but never in any way was it the object or intention of the Benchers to inconvenience them. Now nothing shows more clearly the position of the parties, and the intentions of the public and of the legislature, with regard to the respective positions of the Benchers and the bar, than a statute passed so long ago as in the 25th year of the reign of George III. (chap. 12), which, after reciting that the Benchers had been in possession from 1556 of the ground on which the Four Courts now stand, and that the Government had taken possession of that ground for the purpose of erecting the Four Courts, grants to the treasurer of the King's Inns—the words are, "To the treasurer of the Society the stamp duty payable by barristers and attorneys on their admission to be applied by him in such manner as shall be directed by the said Society." That shows a recognition by the legislature of the position of the Benchers as the governing body of the legal professions of this country, and accordingly it intrusts to them this money to be applied by them at their discretion for the benefit of the legal professions. And all these moneys, as we allege, have been applied for their benefit, and to the best advantage. Another public statute, the 38th George III. chap. 49, takes possession for the Government of that part of the premises of the King's Inns which I have already stated to you, and the Government having built on it,

by the same act they enable the Benchers to purchase land, which they did, for the purposes of the King's Inns. Then carry your recollection, if you please, from the first of the purchases made to the present time, and you shall find that in every act done by the Benchers they conducted themselves for the entire benefit of all the professors. That building of the King's Inns is used, and has been from the beginning used, by the solicitors, as much as by the Benchers and the barristers. They dined in the hall, and used it in common with the other profession. In that building there are provided for the solicitors a retiring room and also a lecture room for their apprentices, and the Benchers and barristers have no more. They go into the common hall. They also have those rooms for the purpose of lecturing and retiring, and that occupies the whole of the building. Well, when the Benchers erected this building at the cost that you have heard, did the Benchers do anything to the prejudice of the attorneys? On the contrary, your lordship has the application of the attorneys for this particular apartment. You have the acknowledgment in writing of the most respectable members of that profession, on getting possession of these chambers for which they asked. You have that writing preserved among the records of the Benchers, not asking for anything more. There is no doubt, and can be no doubt, that if they required more and asked for more the Benchers would have been very glad at that time, or at any other time, to give it. But how can they come forward now and say there has been a misapplication of the funds by the Benchers? Could there be a more fit application of them than applying those funds in building the very things that the solicitors themselves asked for, and in which the solicitors themselves come to represent their body before you, being in the full competition for useful purposes of those very buildings? Then comes the next building between this and that other adjoining block of buildings, and with respect to that the Benchers have used for themselves only two rooms for the purpose of meeting in council. The rest, the greater part of which your lordship has seen, are unoccupied, but they are entirely at the service of the solicitors if the solicitors require them. The learned gentleman representing the solicitors complained on the last day—and it was the only ground they seemed to think they ought to press—with regard to the coffee-room. That is circumvented in this way. The Benchers, for the purpose of accommodating all the professors, give it as a perquisite to the person who holds it, in order to provide refreshments for the professors during the sitting of the courts, but they derive no advantage from it, no profit from it. And it is, I submit to you, the duty of the Benchers to provide as far as they can for the accommodation of both professors, and for the suitors who come here, and they could not provide in that way more effectually or better than they have done, or endeavoured to do, by having the most competent person they could get to keep the establishment there for that purpose; and it would not be, I submit to you, consistent with the duty of the Benchers to part with that coffee-room and give it over to the attorneys or anybody else on the chance of their managing it as well as the Benchers have managed it. They have kept it as they have kept the other places in their legal possession. They furnish it with everything necessary, and they keep a competent person there. The Benchers have much less control over the coffee-room than anybody else, and they never go near it, whereas the other professions go there very constantly. Then comes the library. Can anything be more unreasonable than to say that the building of the library was a misapplication of the money that was laid out upon it? That library is one of the best in the kingdom. They got for it for many years, as long as the law allowed them to do so, copies of everything that was published. It is kept in the best possible manner. All the attorneys are free to go there, and their apprentices are allowed to go there as much as they please, provided their masters certify for them that they are proper persons to go. Now, I really

do not know with what show of reason or colour of right gentlemen can say—

Mr. LE FAYE.—Can attorneys connected with the Incorporated Society go there now?

Dr. Battersby.—Oh, yes, they can, every one of them; every member of the attorneys' profession who was admitted before 1865.

Mr. LE FAYE.—Yes; but not those admitted since 1865?

Dr. Battersby.—Those admitted since 1865 have not the privilege.

Lord MOSCOT.—As I collected the facts every attorney admitted before 1865 went into the library as a matter of right. As a matter of custom every one admitted since 1865 has been allowed in.

Dr. Battersby.—That is the fact, and the apprentice of every man admitted before 1865 can go into the library provided he gets a certificate from his master that he is a proper person to be allowed in.

Lord MOSCOT.—Do the apprentices of attorneys admitted since 1865 go in?

Dr. Battersby.—I don't know how that is.

The Attorney-General.—I am certain I have given certificates.

Dr. Battersby.—The way the library is managed is, they will admit any person who gets a certificate from any professional gentleman whom they know, and who is likely not to admit anybody that might do mischief.

Lord MOSCOT.—Can a solicitor admitted since 1865 go to the library as a matter of right?

Dr. Battersby.—I believe not.

The Attorney-General.—Oh no, certainly not.

Lord MOSCOT.—But only as any other person can be admitted.

The Attorney-General.—That was the result of the act of 1865.

Dr. Battersby.—My friend went as fully into the subject that I have only to submit this. These gentlemen, got an Act of Parliament. I say nothing disparaging of what they did, or how they did it—giving them sole jurisdiction over the members of their own profession, and power to keep their own roll of members of the profession, but they got no right, and they claimed no right, and if they were disposed to claim on any ground, good or bad, any right over the property that is vested in the Benchers, they ought to have given the Benchers notice of it, and claimed to get a provision inserted into that act for it, more especially as regards the library, which is an excellent institution and a most expensive one. The cost of the library amounts to about £1,000 a year or more; but that is all paid by the Benchers. I am wrong in saying by the Benchers, because barristers contribute on their admission £5 each to the library. The attorneys never contributed anything, while they all have the advantages of it. Therefore it is most unreasonable on their part to come here now, and say that the Benchers keeping up the establishment for their benefit, is a misapplication of their money; what colour can there be for this opinion? My learned friends produce an indictment, and value the respective portions of the buildings which they say are possessed by the Benchers, whom they call barristers, and by the solicitors; what you are asked to do now, is to report that the money was misapplied, and that they ought to get it back again, according to those measurements. The barristers have each contributed double—in point of fact the barristers have contributed £52,000, and if you give these gentlemen part of that, why the barristers ought to get their part, but there would be nothing to give them—

Mr. POLKE.—There is plenty of money to pay all.

Dr. Battersby.—With regard to that, I am reminded that it was said on the other side that no reborn was made of the present state of the Society and of their funds, and I shall put into your hand now, my lord, the last debtor and creditor account that was settled up to the 1st of January, 1870, showing exactly how the whole receipts and disbursements of the Society were for that year. It was the most fortunate year they had, because as I told you the income of the

Benches does not depend on any fixed property. They have no property except the proceeds of the funds accumulated many years ago, amounting to about £50,000, and those stamp duties given by Act of Parliament, as I have told you, for the fees. These vary from year to year, being somewhere about £500 a year. But here is the most fortunate year they have had for a long while, ending the 1st of January, 1870, and for that year the balance in the treasurer's hands is about £2,600 in round numbers, and out of that, in January, they had to provide for the Hilary Term expenses, which would amount to about £1,600, leaving a balance of about £500, which is very small as a margin to carry on such an establishment as they are obliged to carry on. So that I rather thank my friends for having noticed the matter. With respect to that, and everything else we are anxious that your lordship should know the exact position in which we stand; we are anxious to show that no misapplication of any kind of property was ever committed by the Benchers, that they never paid a penny in any way, except for the benefit of the Society, and whether that was paid in strict accordance with the terms of the rules or not, your lordship will have to judge. Now, my lord, I submit to you with great respect, that in every penny that ever they paid was purely for the interests of the profession, and in accordance with the rules that governed them. Another document which I also put into your hands is the form of receipt that is given to attorneys when they pay their fees to Mr. O'Hanlon, and which has been in use for thirty years past, as far as he can judge or knows anything about it. It is as follows:—"I certify that (blank) gentleman has paid his fine and fees as a member of the Honorable Society of the King's Inns Given this day." There is no allusion there, nor has there been so long as anybody remembers, any allusion to any building fund, or the appropriation of it. I think you are now in possession of all the leading facts of the case that can be produced before you, and I shall conclude by respectfully submitting to you that in that state of affairs you can and ought to report as the Attorney-General has suggested. You have a considerable latitude as to the form of the report you should make, because after referring the matter to you for consideration, the Commission says that you are to express your opinion upon them. No Benchers has any personal interest in these transactions. They are anxious that an establishment such as this that has been intrusted to them and which they have managed to the best of their power from time immemorial, should not be upset or destroyed at this time upon any idle fancy, or any attempt to get money one way or another. They think it a valuable one, and they submit, therefore, as is their duty to do, that in reporting you will say—and I on my part respectfully contend that you must say—that this sum of £5,600 or thereabouts, that has been received, has been expended according to the intentions of the parties, and that no part of the money so received remains to be appropriated, or is undisposed of. I won't trouble you with any argument as to what apartments those gentlemen are to have if they want them, for it rests entirely with you, and is a matter perfectly indifferent to the Benchers, who will be satisfied with whatever order you think proper to make on them.

Mr. Stokellon.—I appear in this case on the part of the Incorporated Society of Attorneys, with Mr. Polles and Mr. Fitzgibbon, and I shall very briefly address you in reply to the observations which have fallen from the Attorney-General and Judge Battersby. I think the question that has been discussed by both gentlemen is, whether this sum that has been paid to the Society was paid as a deposit for chambers, or simply as a sum into the funds of the Society. My friend Mr. Polles very consistently referred you to two reports of the Society—the report of 1836 and the report of 1859, which the Attorney-General has not alluded to. The report of 1836 in the plainest possible terms referred to the object for which this fund, called the "deposit for chambers," was paid in, because it states that "it

would realize the objects for which the deposits already mentioned have been hitherto and still continue to be received." The previous part of the report refers to that object—namely, the building of chambers, so that so far back as 1836 we have this avowal from the Benchers, who assumed the authority of imposing those fees, because at the time when those duties originally were imposed they had a patent, but that patent they afterwards were obliged to get an Act of Parliament to legalize, and they assumed that authority, although my learned friend the Attorney-General said they were endowed with it. They were in fact a self-constituted body, and had assumed to themselves the power of governing the two professions and lorrying on both branches the fees adopted by the rules of 1794. Then we have the memorial of 1830, in which in the plainest possible terms the members of the attorneys' profession memorialized the Benchers at that time, and called their attention to the fact that they had funds sufficient for the purpose of building chambers—that is, of obtaining ground for the purpose of building chambers on. It plainly would not have been for the benefit of the Society, or of any branch of the profession, that chambers should have been built so far from the Four Courts as Henrietta-street was. Therefore they suggested that instead of chambers the site should be purchased here and buildings erected on it. In accordance with that this hall was built, and on behalf of the Incorporated Society, who represent here the entire attorneys' profession, we are instructed not to object to that as an appropriation of the building fund, and it never has been objected to by us. When we come to the report of 1859 it goes very fully through all the matters. The Attorney-General said there was no legal obligation to build chambers. We never put forward any such case as that of a legal obligation on the part of the Benchers to build chambers. We did contend that there was an implied obligation on the part of the Benchers that, when they required this money to be paid as a deposit for chambers, they would at all events put themselves in a position to carry out the trust they took upon themselves, either by building chambers or by acquiring ground that chambers might be built upon. We now come to the report of 1859. The Benchers in that report, under their own hands, state emphatically that that money was received under an implied obligation that they would apply it for the erection of chambers. Therefore I think it does not lie in the mouth of any person representing the Benchers, now to say there is no obligation whatever, when under their own hand it appears that they received it under an implied obligation in connection with chambers. The Attorney-General says that the persons now putting forward this claim—namely, the Incorporated Society—do not represent, at all events for many years back, the persons who subscribed to this fund for many years prior to 1830. He forgets entirely the fact that the Benchers themselves had recognized the members of the profession in 1830 as entitled to get possession of those buildings, in trust for the Society, although several persons who subscribed in 1793, and many years after, were dead at the time that these buildings were handed over to certain members, in trust for the profession and the general body of the Society, thereby clearly recognizing the right on the part of the members of the profession then existing to have some buildings handed over to them on behalf of the members of the Society, as contradistinguished from the persons who subscribed those funds from 1790. The Attorney-General also said that the funds of the Society were not sufficient to meet their demands. The simple answer to that is, that they have funded property to the amount of nearly £55,000. They have handed in a certificate giving the precise amounts. I may call your attention to the return that Dr. Battersby handed in, and which he referred to as showing that the Benchers were barely able to pay their way. Now, the very first item at the debtor side of that is a balance due to their credit on the 1st of January, 1870, of £1,562, after paying all expenses for the year 1869, so that the entire indebtedness on the

£25,000 new amount to £1,311, so that they could actually pay over the entire £51,000; and therefore, according to this account they would have ample funds to pay all their outgoings. We have not been favoured with a return for the year 1869, but when we come to the other side of the account for 1870, it appears that they have invested in the purchase of stock £713 18s 3d.

Dr. Battersby.—They had previously drawn out £3,000.

Mr. Shackleton.—I take the accounts that have been handed in. Then they carry forward £2,051 to their credit.

Dr. Battersby.—Sixteen hundred pounds of that must be applied to the expenses of the following Hilary Term.

Mr. Shackleton.—They were £1,201 richer than they were the year before, so far as that return goes. Those facts being before you, I think you will have very little difficulty, backed upon you are by the reports of the Benchers, in finding that the sum of £55,000 and some hundreds received by the Society from 1794 to 1866, was received as a deposit for chambers, and for that purpose alone. They have applied certain sums in these buildings, which the society of attorneys are willing to accept as a proper appropriation of the funds; but we ask you to find that the balance has not been appropriated, and to report on that point as Mr. Polles has asked you. The Attorney General referred to the fact that the solicitors have the advantage of the buildings in Henrietta-street, but he entirely forgets that in addition to the sums they paid as deposits for chambers, they have also paid other sums when being apprenticed as attorneys, and as fees on their admission to their profession, in virtue of which they are entitled to all privileges as members of the Society as well as barristers. Therefore his defence on that point falls to the ground. In addition to that they get a rebate of stamp-duty from the Government, in respect of the duties paid by solicitors

and attorneys; therefore, when the whole sum, I would ask you to make a return, as Mr. Polles has suggested, specially finding, as matter of fact, the amount that has been received by the Benchers; that it has not been specially appropriated, but that a certain sum has been applied in buildings which may be considered a reasonable appropriation, and that the balance remains unappropriated. Of course, it will be matter for the Legislature to decide what may be done in that state of things. I need not tell you that any report here does not affect the rights and status of the Benchers in any way. When the matter comes before the Legislature, if they find that the Benchers have no right to keep a certain portion of the fund it will be competent for the Legislature to deal with the fact as they think fit. But we maintain that the Benchers have no claim on this fund—that they have no right to keep it. The Incorporated Society, although only put forward here as the Incorporated Society, represent the entire body of the attorneys and solicitors of Ireland. They have been backed up by them, as the report of a general meeting of the profession, convened for the purpose, shews. They adopted the proceedings of the Incorporated Society; and that Society in fact stands here, not as merely representing itself, but as representing the entire body of the attorneys and solicitors of Ireland.

Dr. Battersby.—My learned friend alluded to a sum of £700. That was to replace a sum of £1,000 stock that was previously drawn.

Lord MORRIS.—I don't think you need trouble yourself about that, because if you were in possession of a million of money it would not alter the return to be made. We are not to report on your riches.

Dr. Battersby.—I would like to be correct if I could.

Mr. Porter.—The letter of Mr. O'Hanlon of 1849, offering certain chambers has been handed in, but certain maps made at that time have not been handed in.

Mr. Polles.—We will hand in the entire correspondence.

Mr. JOHN O'HANLON sworn and examined by Dr. Battersby, &c.

36. You are the treasurer of the King's Inns?—I am.

37. You produce to us this blank form of receipt?—I do.

38. How long has that blank form of receipt been in use in the King's Inns?—Well, I examined the document in my office, and I find old book-books reaching back for a period of nearly thirty years.

Cross-examined by Mr. Polles.

39. Book-books in that particular form?—Book-books in that particular form.

40. In fact this is not a receipt at all?—These are the words.

41. I know that, but you have sworn now that this is a receipt?—Certainly.

42. I ask you is this a receipt at all—is it not a form of certificate given by you, to be produced to the officer of the court, previous to the admission of the party?—It is my receipt as under-treasurer, to the attorney paying me the money, before his admission.

43. Given to him for the purpose of being produced to the officer of the court?—Yes, in order that he may be sworn in. It is the only receipt that has ever been given.

44. The only things you have remaining in the office are these little books?—Quite so.

45. How do you know from the words, "The certificate of (blank), gentlemen, to be admitted as an attorney," that the certificate is in that form?—Because the books are all of the same shape, precisely in the same form as that.

46. You argue that because that is of a particular

shape the form of the receipt was the same?—No, the books I used before that were precisely of the same shape.

47. How long are you able to state of your own knowledge has this form of certificate been used?—Since Easter Term, 1864.

48. And if you wished to ascertain the form of certificate used at a previous period you were able to obtain the documents in the records of the Court of Chancery—is that so?—Well, I should think so.

Mr. Porter.—Every attorney who received it would be equally able to produce it.

Lord MORRIS.—We have asked to be furnished with a statement of the additional accommodation that the Incorporated Society require.

Mr. Polles.—We shall take care that the particulars of that are furnished.

Lord MORRIS.—Give us their requirements and their reasons for them. I don't think it will be necessary for us to hold any further public meetings. We will make our report according to the best of our ability.

Dr. Battersby.—Will you give judgment in court here?

Lord MORRIS.—Certainly not. I wish to say that we are both very much obliged to the gentlemen who have appeared before us, and who have given us very considerable assistance.

Dr. Battersby.—In the Attorney-General's absence I beg leave to say that we are all most grateful to the Commissioners for the very kind way in which they have heard us.

The inquiry was then closed.

APPENDIX.

No. I.—ACCOUNT of PAYMENTS to and for the use of the SOCIETY of KING'S INNS as DEPOSITS for CHAMBERS, received from ATTORNEYS since HILARY TERM, 1794.

Date.	Term.	No.	Amount Received.	Total.	Date.	Term.	No.	Amount Received.	Total.
			£ s. d.					£ s. d.	
1794	Hilary.	28	452 5 0	1,233 17 6		Brought forward.			12,544 15 0
"	Easter.	14	159 5 0		1810	Hilary.	21	235 12 0	
"	Trinity.	24	275 0 0		"	Easter.	14	150 5 0	
"	Michaelmas.	33	375 7 6		"	Trinity.	27	420 17 6	
1795	Hilary.	45	511 17 6	1,284 17 6	"	Michaelmas.	18	304 15 0	1,038 15 0
"	Easter.	20	227 10 0		1811	Hilary.	15	182 0 0	
"	Trinity.	29	323 17 6		"	Easter.	7	79 13 6	
"	Michaelmas.	23	261 12 6		"	Trinity.	31	341 2 4	
1796	Hilary.	35	294 2 0	1,238 10 0	"	Michaelmas.	11	125 2 6	511 17 6
"	Easter.	17	133 7 6		1812	Hilary.	10	112 15 0	
"	Trinity.	34	344 15 0		"	Easter.	15	170 12 6	
"	Michaelmas.	22	250 5 0		"	Trinity.	16	183 0 0	
1797	Hilary.	25	242 7 6	985 59 0	"	Michaelmas.	9	102 7 6	968 15 0
"	Easter.	21	233 17 6		1813	Hilary.	10	118 15 0	
"	Trinity.	14	204 15 0		"	Easter.	6	68 5 0	
"	Michaelmas.	20	227 10 0		"	Trinity.	10	118 15 0	
1798	Hilary.	34	409 10 0	944 2 6	"	Michaelmas.	22	320 5 0	865 0 0
"	Easter.	19	214 2 6		1814	Hilary.	8	91 0 0	
"	Trinity.	5	58 17 6		"	Easter.	11	122 2 6	
"	Michaelmas.	23	251 12 6		"	Trinity.	10	118 15 0	
1799	Hilary.	27	307 3 6	978 3 0	"	Michaelmas.	9	102 7 6	432 5 0
"	Easter.	11	125 2 6		1815	Hilary.	10	112 15 0	
"	Trinity.	29	323 17 6		"	Easter.	6	56 17 6	
"	Michaelmas.	19	215 2 6		"	Trinity.	10	118 15 0	
1800	Hilary.	17	148 7 6	716 12 6	"	Michaelmas.	18	201 15 0	489 2 6
"	Easter.	10	123 15 0		1816	Hilary.	17	198 7 6	
"	Trinity.	19	215 5 6		"	Easter.	14	159 5 0	
"	Michaelmas.	17	183 7 6		"	Trinity.	17	193 7 6	
1801	Hilary.	26	227 10 0	637 0 0	"	Michaelmas.	8	91 0 0	637 0 0
"	Easter.	13	124 10 0		1817	Hilary.	14	159 5 0	
"	Trinity.	13	129 12 6		"	Easter.	7	79 12 6	
"	Michaelmas.	9	102 7 6		"	Trinity.	9	102 7 6	
1802	Hilary.	15	170 12 6	625 15 0	"	Michaelmas.	14	159 5 0	506 10 0
"	Easter.	11	125 2 6		1818	Hilary.	13	154 2 6	
"	Trinity.	17	105 7 6		"	Easter.	10	113 15 0	
"	Michaelmas.	15	170 12 6		"	Trinity.	14	164 15 0	
1803	Hilary.	17	199 7 6	500 10 0	"	Michaelmas.	24	233 0 0	807 15 6
"	Easter.	17	123 7 6		1819	Hilary.	22	240 5 0	
"	Trinity.	10	113 15 0		"	Easter.	10	114 15 0	
"	Michaelmas.*	—	—		"	Trinity.	26	227 10 0	
1804	Hilary.	—	—	103 7 6	"	Michaelmas.	16	204 15 0	706 5 0
"	Easter.	—	—		1820	Hilary.	27	307 2 6	
"	Trinity.	8	81 0 0		"	Easter.	12	119 12 6	
"	Michaelmas.	9	102 7 6		"	Trinity.	24	263 12 6	
1805	Hilary.	8	102 7 6	568 15 0	"	Michaelmas.	16	168 0 0	321 7 6
"	Easter.	27	184 7 6		1821	Hilary.	14	150 5 0	
"	Trinity.	11	125 2 6		"	Easter.	20	227 10 0	
"	Michaelmas.	13	147 17 6		"	Trinity.	21	225 17 6	
1806	Hilary.	13	155 10 0	620 15 0	"	Michaelmas.	16	204 15 0	320 7 6
"	Easter.	24	168 5 0		1822	Hilary.	37	420 17 6	
"	Trinity.	14	125 5 0		"	Easter.	8	91 0 0	
"	Michaelmas.	15	201 15 0		"	Trinity.	24	278 0 0	
1807	Hilary.	10	115 15 0	648 7 6	"	Michaelmas.	17	198 7 6	178 5 0
"	Easter.	15	124 10 0		1823	Hilary.	16	163 0 0	
"	Trinity.	16	182 0 0		"	Easter.	15	170 12 6	
"	Michaelmas.	19	216 2 6		"	Trinity.	11	125 2 6	
1808	Hilary.	18	204 15 0	792 5 0	"	Michaelmas.	15	170 12 6	648 7 6
"	Easter.	16	192 0 0		1824	Hilary.	32	324 5 0	
"	Trinity.	24	278 0 0		"	Easter.	19	216 3 6	
"	Michaelmas.	13	156 10 0		"	Trinity.	24	233 12 0	
1809	Hilary.	16	162 0 0	887 5 0	"	Michaelmas.	22	320 3 0	1,138 2 6
"	Easter.	15	170 12 6		1825	Hilary.	30	341 5 0	
"	Trinity.	20	227 10 0		"	Easter.	9	102 7 6	
"	Michaelmas.	27	307 3 6		"	Trinity.	19	216 2 6	
Carried forward.				12,544 15 0	Brought forward.				26,570 0 0
									22,680 0 0

* The account for Michaelmas, 1800, does not appear in the Book.

ACCOUNT OF PAYMENTS to and for the use of the SOCIETY of KING'S INNS as DEPOSITS for CHAMBERS,
received from ATTORNEYS since HILARY TERM, 1794—continued.

Date.	Term.	No.	Amount Received.	Total.	Date.	Term.	No.	Amount Received.	Total.
			£ s. d.	£ s. d.				£ s. d.	£ s. d.
	Brought forward,			22,580 0 0		Brought forward,			40,509 0 0
1836	Hilary, . . .	21	250 10 0		1845	Hilary, . . .	26	275 0 0	
"	Easter, . . .	6	60 0 0		"	Easter, . . .	25	262 10 0	
"	Trinity, . . .	25	275 0 0		"	Trinity, . . .	24	267 0 0	
"	Michaelmas, . . .	21	250 10 0	777 0 0	"	Michaelmas, . . .	24	252 0 0	1,164 10 0
1837	Hilary, . . .	25	253 10 0		1846	Hilary, . . .	22	254 0 0	
"	Easter, . . .	18	183 0 0		"	Easter, . . .	18	189 0 0	
"	Trinity, . . .	19	192 10 0		"	Trinity, . . .	22	246 10 0	
"	Michaelmas, . . .	21	229 10 0	871 10 0	"	Michaelmas, . . .	24	223 0 0	1,123 10 0
1838	Hilary, . . .	26	275 0 0		1847	Hilary, . . .	22	261 0 0	
"	Easter, . . .	18	183 10 0		"	Easter, . . .	24	273 0 0	
"	Trinity, . . .	11	115 10 0		"	Trinity, . . .	40	420 0 0	
"	Michaelmas, . . .	23	241 10 0	706 10 0	"	Michaelmas, . . .	26	254 0 0	1,327 0 0
1839	Hilary, . . .	23	231 0 0		1848	Hilary, . . .	20	215 0 0	
"	Easter, . . .	11	115 10 0		"	Easter, . . .	16	168 0 0	
"	Trinity, . . .	18	189 0 0		"	Trinity, . . .	22	204 10 0	
"	Michaelmas, . . .	17	178 10 0	736 0 0	"	Michaelmas, . . .	18	183 0 0	976 10 0
1840	Hilary, . . .	18	180 0 0		1849	Hilary, . . .	22	256 0 0	
"	Easter, . . .	20	210 0 0		"	Easter, . . .	22	241 10 0	
"	Trinity, . . .	28	294 0 0		"	Trinity, . . .	17	178 10 0	
"	Michaelmas, . . .	16	160 0 0	861 0 0	"	Michaelmas, . . .	18	189 0 0	945 0 0
1841	Hilary, . . .	16	160 0 0		1848	Hilary, . . .	25	253 0 0	
"	Easter, . . .	12	120 0 0		"	Easter, . . .	21	230 10 0	
"	Trinity, . . .	20	210 0 0		"	Trinity, . . .	27	283 10 0	
"	Michaelmas, . . .	14	140 0 0	530 0 0	"	Michaelmas, . . .	16	160 0 0	606 0 0
1842	Hilary, . . .	26	275 0 0		1849	Hilary, . . .	20	210 0 0	
"	Easter, . . .	18	180 0 0		"	Easter, . . .	18	180 10 0	
"	Trinity, . . .	27	283 10 0		"	Trinity, . . .	27	283 10 0	
"	Michaelmas, . . .	28	294 0 0	978 10 0	"	Michaelmas, . . .	28	294 0 0	984 0 0
1843	Hilary, . . .	22	231 0 0		1850	Hilary, . . .	24	252 0 0	
"	Easter, . . .	23	241 10 0		"	Easter, . . .	20	166 0 0	
"	Trinity, . . .	30	315 0 0		"	Trinity, . . .	22	230 0 0	
"	Michaelmas, . . .	21	220 10 0	1,008 0 0	"	Michaelmas, . . .	14	168 0 0	726 0 0
1844	Hilary, . . .	16	160 0 0		1851	Hilary, . . .	20	210 0 0	
"	Easter, . . .	12	120 0 0		"	Easter, . . .	19	189 0 0	
"	Trinity, . . .	29	304 10 0		"	Trinity, . . .	11	115 10 0	
"	Michaelmas, . . .	27	280 10 0	1,009 0 0	"	Michaelmas, . . .	10	105 0 0	623 10 0
1845	Hilary, . . .	20	204 10 0		1852	Hilary, . . .	11	115 10 0	
"	Easter, . . .	21	230 10 0		"	Easter, . . .	19	189 10 0	
"	Trinity, . . .	33	340 10 0		"	Trinity, . . .	21	115 10 0	
"	Michaelmas, . . .	28	294 0 0	1,145 10 0	"	Michaelmas, . . .	10	105 0 0	535 10 0
1846	Hilary, . . .	23	234 0 0		1853	Hilary, . . .	18	180 0 0	
"	Easter, . . .	23	244 10 0		"	Easter, . . .	16	157 10 0	
"	Trinity, . . .	19	190 10 0		"	Trinity, . . .	15	137 10 0	
"	Michaelmas, . . .	22	225 10 0	1,000 10 0	"	Michaelmas, . . .	8	84 0 0	388 0 0
1847	Hilary, . . .	24	243 0 0		1854	Hilary, . . .	18	180 10 0	
"	Easter, . . .	45	441 0 0		"	Easter, . . .	8	84 0 0	
"	Trinity, . . .	26	264 0 0		"	Trinity, . . .	11	115 10 0	
"	Michaelmas, . . .	20	400 10 0	1,306 10 0	"	Michaelmas, . . .	16	168 0 0	604 0 0
1848	Hilary, . . .	26	264 0 0		1855	Hilary, . . .	16	168 0 0	
"	Easter, . . .	32	340 10 0		"	Easter, . . .	7	70 10 0	
"	Trinity, . . .	20	220 0 0		"	Trinity, . . .	15	157 10 0	
"	Michaelmas, . . .	20	315 0 0	1,354 10 0	"	Michaelmas, . . .	8	84 0 0	485 0 0
1849	Hilary, . . .	25	257 10 0		1856	Hilary, . . .	12	120 0 0	
"	Easter, . . .	31	325 10 0		"	Easter, . . .	5	52 10 0	
"	Trinity, . . .	46	461 0 0		"	Trinity, . . .	14	140 0 0	
"	Michaelmas, . . .	28	284 0 0	1,470 0 0	"	Michaelmas, . . .	4	42 0 0	385 10 0
1840	Hilary, . . .	24	240 10 0		1857	Hilary, . . .	8	84 10 0	
"	Easter, . . .	24	240 0 0		"	Easter, . . .	6	64 0 0	
"	Trinity, . . .	27	280 10 0		"	Trinity, . . .	16	160 0 0	
"	Michaelmas, . . .	25	252 10 0	1,270 10 0	"	Michaelmas, . . .	11	112 10 0	441 0 0
1841	Hilary, . . .	24	240 0 0		1858	Hilary, . . .	9	94 10 0	
"	Easter, . . .	25	250 10 0		"	Easter, . . .	4	42 0 0	
"	Trinity, . . .	26	260 0 0		"	Trinity, . . .	7	70 10 0	
"	Michaelmas, . . .	23	230 10 0	1,110 0 0	"	Michaelmas, . . .	10	105 0 0	515 0 0
1842	Hilary, . . .	26	275 0 0		1859	Hilary, . . .	8	84 0 0	
"	Easter, . . .	19	189 10 0		"	Easter, . . .	4	42 0 0	
"	Trinity, . . .	48	481 10 0		"	Trinity, . . .	14	145 0 0	
"	Michaelmas, . . .	24	232 0 0	1,176 0 0	"	Michaelmas, . . .	7	75 10 0	364 10 0
	Cashed forward,			40,509 0 0		Cashed forward,			22,169 10 0

ACCOUNT of PAYMENTS to and for the use of the SOCIETY of KING'S INNS as DEPOSITS for CHAMBERS, received from ATTORNEYS since HILARY TERM, 1794—continued.

Date	Term	No.	Amount Received	Total	Date	Term	No.	Amount Received	Total
			£ s. d.	£ s. d.				£ s. d.	£ s. d.
	Brought forward,	-	.	52,762 10 0		Brought forward,	-	.	54,150 0 0
1840	Hilary,	8	84 0 0		1844	Hilary,	4	42 0 0	
"	Easter,	9	94 10 0		"	Easter,	18	187 0 0	
"	Trinity,	9	94 10 0		"	Trinity,	17	178 10 0	
"	Michaelmas,	11	115 10 0	388 10 0	"	Michaelmas,	5	52 10 0	420 0 0
1841	Hilary,	10	105 0 0		1845	Hilary,	4	42 0 0	
"	Easter,	5	63 0 0		"	Easter,	9	94 10 0	
"	Trinity,	10	105 0 0		"	Trinity,	10	105 0 0	
"	Michaelmas,	5	52 10 0	323 10 0	"	Michaelmas,	21	210 10 0	462 0 0
1842	Hilary,	10	105 0 0		1846	Hilary,	4	42 0 0	
"	Easter,	5	52 10 0		"	Easter,	5	52 10 0	
"	Trinity,	10	105 0 0		"	Trinity,	15	157 10 0	
"	Michaelmas,	9	94 10 0	387 0 0					523 0 0
1843	Hilary,	11	115 10 0						
"	Easter,	5	52 10 0						
"	Trinity,	11	115 10 0						
"	Michaelmas,	4	48 0 0	325 10 0					
	Carried forward,	-	.	54,150 0 0					52,388 0 0

No. 2.—An ACCOUNT of PAYMENTS to and for the use of the SOCIETY of KING'S INNS as DEPOSITS for CHAMBERS, received from BARRISTERS since HILARY TERM, 1794

Date	Term	No.	Amount Received	Total	Date	Term	No.	Amount Received	Total
			£ s. d.	£ s. d.				£ s. d.	£ s. d.
1794	Hilary,	9	264 15 0			Brought forward,	-	.	4,347 5 0
"	Easter,	13	375 15 0		1808	Hilary,	5	113 15 0	
"	Trinity,	9	264 15 0		"	Easter,	9	264 15 0	
"	Michaelmas,	15	341 5 0	1,046 10 0	"	Trinity,	5	68 5 0	
1795	Hilary,	14	324 10 0		"	Michaelmas,*	-	-	380 15 0
"	Easter,	11	270 5 0		1804	Hilary,	6	156 10 0	
"	Trinity,	8	180 0 0		"	Easter,	5	68 5 0	
"	Michaelmas,	19	462 5 0	1,083 0 0	"	Trinity,	1	23 15 0	
1796	Hilary,	15	341 5 0		"	Michaelmas,	4	50 0 0	318 5 0
"	Easter,	6	162 0 0		1805	Hilary,	6	156 10 0	
"	Trinity,	7	171 5 0		"	Easter,	5	68 5 0	
"	Michaelmas,	7	171 5 0	541 15 0	"	Trinity,	8	193 0 0	
1797	Hilary,	5	68 5 0		"	Michaelmas,	7	171 5 0	546 0 0
"	Easter,	5	113 15 0		1806	Hilary,	7	171 5 0	
"	Trinity,	6	125 10 0		"	Easter,	5	68 5 0	
"	Michaelmas,	6	134 10 0	453 0 0	"	Trinity,	5	163 0 0	
1798	Hilary,	4	134 10 0		"	Michaelmas,	14	395 15 0	706 5 0
"	Easter,	7	171 5 0		1807	Hilary,	6	156 10 0	
"	Trinity,	9	225 10 0		"	Easter,	5	68 5 0	
"	Michaelmas,	13	323 15 0	627 0 0	"	Trinity,	5	163 0 0	
1799	Hilary,	15	341 5 0		"	Michaelmas,	7	171 5 0	394 0 0
"	Easter,	5	68 5 0		1808	Hilary,	4	50 0 0	
"	Trinity,	8	193 0 0		"	Easter,	7	171 5 0	
"	Michaelmas,	8	193 0 0	770 5 0	"	Trinity,	-	-	
1800	Hilary,	8	163 0 0		"	Michaelmas,	5	113 15 0	394 0 0
"	Easter,	7	156 5 0		1809	Hilary,	8	163 0 0	
"	Trinity,	2	42 10 0		"	Easter,	4	50 0 0	
"	Michaelmas,	4	50 0 0	477 10 0	"	Trinity,	5	113 15 0	
1801	Hilary,	9	274 15 0		"	Michaelmas,	5	113 15 0	600 10 0
"	Easter,	4	50 0 0		1810	Hilary,	8	163 0 0	
"	Trinity,	2	42 10 0		"	Easter,	4	50 0 0	
"	Michaelmas,	5	113 15 0	455 0 0	"	Trinity,	6	156 10 0	
1802	Hilary,	5	113 15 0		"	Michaelmas,	4	68 5 0	632 0 0
"	Easter,	6	156 10 0		1811	Hilary,	8	163 0 0	
"	Trinity,	8	163 0 0		"	Easter,	5	193 0 0	
"	Michaelmas,	2	42 10 0	477 15 0	"	Trinity,	4	85 0 0	
	Carried forward,	-	.	4,347 5 0	"	Michaelmas,	7	171 5 0	546 0 0
						Carried forward,	-	.	10,588 5 0

* The amount for Michaelmas, 1808, does not appear in the book.

AN ACCOUNT OF PAYMENTS to and for the use of the SOCIETY OF KING'S INNS AS DEPOSITS FOR CHAMBERS, received from BARRISTERS since HILARY TERM, 1794—continued.

Year	Term	No	Amount Received.	Total	Date	Term	No	Amount Received.	Total
			£ s. d.	£ s. d.				£ s. d.	£ s. d.
	Brought forward,			10,533 5 0		Brought forward,			18,921 0 0
1812	Hilary,	9	204 15 0		1828	Hilary,	15	272 0 0	
"	Easter,	4	125 30 0		"	Easter,	16	286 0 0	
"	Trinity,	9	204 15 0		"	Trinity,	17	267 0 0	
"	Michaelmas,	5	91 0 0	627 0 0	"	Michaelmas,	2	42 0 0	1,008 0 0
1813	Hilary,	3	46 5 0		1829	Hilary,	7	147 0 0	
"	Easter,	9	204 15 0		"	Easter,	20	210 0 0	
"	Trinity,	2	120 5 0		"	Trinity,	14	226 0 0	
"	Michaelmas,	5	134 10 0	528 15 0	"	Michaelmas,	15	283 0 0	1,890 0 0
1814	Hilary,	10	227 10 0		1830	Hilary,	14	294 0 0	
"	Easter,	6	184 10 0		"	Easter,	14	294 0 0	
"	Trinity,	7	129 5 0		"	Trinity,	9	180 0 0	
"	Michaelmas,	7	120 5 0	682 10 0	"	Michaelmas,	10	210 0 0	987 0 0
1815	Hilary,	15	295 15 0		1831	Hilary,	14	231 0 0	
"	Easter,	5	45 30 0		"	Easter,	5	189 0 0	
"	Trinity,	6	150 10 0		"	Trinity,	18	279 0 0	
"	Michaelmas,	4	91 0 0	596 15 0	"	Michaelmas,	16	226 0 0	1,334 0 0
1816	Hilary,	9	204 15 0		1832	Hilary,	12	272 0 0	
"	Easter,	4	81 0 0		"	Easter,	10	210 0 0	
"	Trinity,	2	45 10 0		"	Trinity,	8	168 0 0	
"	Michaelmas,	5	113 15 0	455 0 0	"	Michaelmas,	14	273 0 0	594 0 0
1817	Hilary,	9	204 15 0		1833	Hilary,	12	282 0 0	
"	Easter,	6	126 10 0		"	Easter,	8	168 0 0	
"	Trinity,	15	243 5 0		"	Trinity,	18	278 0 0	
"	Michaelmas,	4	91 0 0	773 10 0	"	Michaelmas,	14	284 0 0	1,092 0 0
1818	Hilary,	3	65 5 0		1834	Hilary,	15	312 0 0	
"	Easter,	2	45 10 0		"	Easter,	16	320 0 0	
"	Trinity,	12	273 0 0		"	Trinity,	15	376 0 0	
"	Michaelmas,	7	159 5 0	546 0 0	"	Michaelmas,	15	378 0 0	1,607 0 0
1819	Hilary,	9	204 15 0		1835	Hilary,	7	147 0 0	
"	Easter,	9	204 15 0		"	Easter,	9	180 0 0	
"	Trinity,	5	113 15 0		"	Trinity,	12	252 0 0	
"	Michaelmas,	10	227 10 0	720 15 0	"	Michaelmas,	13	278 0 0	863 0 0
1820	Hilary,	8	188 0 0		1836	Hilary,	26	546 0 0	
"	Easter,	4	51 0 0		"	Easter,	11	251 0 0	
"	Trinity,	5	113 15 0		"	Trinity,	9	189 0 0	
"	Michaelmas,	8	182 0 0	539 15 0	"	Michaelmas,	24	504 0 0	1,870 0 0
1821	Hilary,	4	91 0 0		1837	Hilary,	14	278 0 0	
"	Easter,	7	129 5 0		"	Easter,	15	323 0 0	
"	Trinity,	3	45 5 0		"	Trinity,	14	294 0 0	
"	Michaelmas,	8	182 0 0	691 10 0	"	Michaelmas,	14	294 0 0	1,378 0 0
1822	Hilary,	3	45 5 0		1838	Hilary,	39	899 0 0	
"	Easter,	2	45 10 0		"	Easter,	18	518 0 0	
"	Trinity,	1	45 5 0		"	Trinity,	12	273 0 0	
"	Michaelmas,	12	273 0 0	455 0 0	"	Michaelmas,	27	777 0 0	1,827 0 0
1823	Hilary,	7	129 5 0		1839	Hilary,	22	462 0 0	
"	Easter,	2	45 10 0		"	Easter,	21	504 0 0	
"	Trinity,	7	129 5 0		"	Trinity,	22	462 0 0	
"	Michaelmas,	8	182 0 0	516 0 0	"	Michaelmas,	29	609 0 0	2,027 0 0
1824	Hilary,	6	115 11 0		1840	Hilary,	28	578 0 0	
"	Easter,	6	180 30 0		"	Easter,	20	520 0 0	
"	Trinity,	6	120 10 0		"	Trinity,	24	564 0 0	
"	Michaelmas,	8	162 0 0	366 15 0	"	Michaelmas,	31	671 0 0	2,347 0 0
1825	Hilary,	10	227 10 0		1841	Hilary,	33	753 0 0	
"	Easter,	4	91 0 0		"	Easter,	34	786 0 0	
"	Trinity,	10	227 10 0		"	Trinity,	30	710 0 0	
"	Michaelmas,	5	91 0 0	675 0 0	"	Michaelmas,	27	647 0 0	1,385 0 0
	(Total),			18,710 10 0					
	(Deficit),			17,516 0 0					
1826	Hilary,	8	128 0 0		1842	Hilary,	34	784 0 0	
"	Easter,	6	120 0 0		"	Easter,	31	784 0 0	
"	Trinity,	10	210 0 0		"	Trinity,	10	274 0 0	
"	Michaelmas,	5	100 0 0	658 0 0	"	Michaelmas,	22	462 0 0	1,390 0 0
1827	Hilary,	9	199 0 0		1843	Hilary,	8	168 0 0	
"	Easter,	16	336 0 0		"	Easter,	12	324 0 0	
"	Trinity,	6	126 0 0		"	Trinity,	10	270 0 0	
"	Michaelmas,	14	231 0 0	865 0 0	"	Michaelmas,	15	273 0 0	983 0 0
	Brought forward,			18,324 0 0		Brought forward,			40,384 0 0

An ACCOUNT of PAYMENTS to and for the use of the SOCIETY of KING'S INNS as DEPOSITORS for CHAMBERS, received from BARRETTERS since HILARY TERM, 1794—continued.

Date	Term	No.	Amount Received.	Total.	Date	Term	No.	Amount Received.	Total.
			£ s d	£ s d				£ s d	£ s d
	Brought forward,			40,824 0 0		Brought forward,			40,845 0 0
1845	Hilary,	13	273 0 0		1859	Hilary,	1	21 0 0	
"	Easter,	12	252 0 0		"	Easter,	—	—	
"	Trinity,	13	273 0 0		"	Trinity,	4	84 0 0	
"	Michaelmas,	18	378 0 0	4,178 0 0	"	Michaelmas,	8	63 0 0	168 0 0
1846	Hilary,	10	210 0 0		1860	Hilary,	2	42 0 0	
"	Easter,	9	159 0 0		"	Easter,	1	21 0 0	
"	Trinity,	9	180 0 0		"	Trinity,	2	42 0 0	
"	Michaelmas,	21	441 0 0	1,009 0 0	"	Michaelmas,	6	126 0 0	331 0 0
1847	Hilary,	11	331 0 0		1861	Hilary,	5	105 0 0	
"	Easter,	17	337 0 0		"	Easter,	5	105 0 0	
"	Trinity,	4	84 0 0		"	Trinity,	2	42 0 0	
"	Michaelmas,	13	315 0 0	697 0 0	"	Michaelmas,	6	126 0 0	378 0 0
1848	Hilary,	12	352 0 0		1862	Hilary,	6	126 0 0	
"	Easter,	9	42 0 0		"	Easter,	4	84 0 0	
"	Trinity,	11	231 0 0		"	Trinity,	2	42 0 0	
"	Michaelmas,	18	378 0 0	808 0 0	"	Michaelmas,	7	147 0 0	490 0 0
1849	Hilary,	9	189 0 0		1863	Hilary,	5	105 0 0	
"	Easter,	11	231 0 0		"	Easter,	4	84 0 0	
"	Trinity,	16	384 0 0		"	Trinity,	4	84 0 0	
"	Michaelmas,	5	105 0 0	951 0 0	"	Michaelmas,	18	273 0 0	546 0 0
1850	Hilary,	4	84 0 0		1864	Hilary,	5	105 0 0	
"	Easter,	7	147 0 0		"	Easter,	2	42 0 0	
"	Trinity,	2	42 0 0		"	Trinity,	2	42 0 0	
"	Michaelmas,	11	273 0 0	546 0 0	"	Michaelmas,	6	126 0 0	315 0 0
1851	Hilary,	5	105 0 0		1865	Hilary,	7	147 0 0	
"	Easter,	2	42 0 0		"	Easter,	10	210 0 0	
"	Trinity,	3	63 0 0		"	Trinity,	5	105 0 0	
"	Michaelmas,	7	167 0 0	267 0 0	"	Michaelmas,	10	210 0 0	672 0 0
1852	Hilary,	7	167 0 0		1866	Hilary,	4	84 0 0	
"	Easter,	2	42 0 0		"	Easter,	2	42 0 0	
"	Trinity,	1	21 0 0		"	Trinity,	5	105 0 0	
"	Michaelmas,	9	189 0 0	299 0 0	"	Michaelmas,	4	84 0 0	386 0 0
1853	Hilary,	9	189 0 0		1867	Hilary,	7	147 0 0	
"	Easter,	4	84 0 0		"	Easter,	2	42 0 0	
"	Trinity,	5	105 0 0		"	Trinity,	9	189 0 0	
"	Michaelmas,	7	117 0 0	462 0 0	"	Michaelmas,	6	126 0 0	534 0 0
1854	Hilary,	5	105 0 0		1868	Hilary,	7	144 0 0	
"	Easter,	7	147 0 0		"	Easter,	7	144 0 0	
"	Trinity,	2	42 0 0		"	Trinity,	6	126 0 0	
"	Michaelmas,	6	126 0 0	480 0 0	"	Michaelmas,	6	126 0 0	540 0 0
1855	Hilary,	5	65 0 0		1869	Hilary,	4	84 0 0	
"	Easter,	10	210 0 0		"	Easter,	4	84 0 0	
"	Trinity,	7	147 0 0		"	Trinity,	4	84 0 0	
"	Michaelmas,	4	84 0 0	504 0 0	"	Michaelmas,	6	126 0 0	378 0 0
1856	Hilary,	3	42 0 0		1870	Hilary,	4	84 0 0	
"	Easter,	5	95 0 0		"	Easter,	4	84 0 0	
"	Trinity,	—	—		"	Trinity,	2	42 0 0	
"	Michaelmas,	5	105 0 0	203 0 0	"	Michaelmas,	9	189 0 0	266 0 0
1857	Hilary,	3	63 0 0		1871	Hilary,	3	63 0 0	
"	Easter,	1	21 0 0		"	Easter,	3	63 0 0	
"	Trinity,	3	63 0 0		"	Trinity,	7	147 0 0	
"	Michaelmas,	7	147 0 0	584 0 0					373 0 0
1858	Hilary,	3	63 0 0						
"	Easter,	2	42 0 0						
"	Trinity,	—	—						
"	Michaelmas,	6	126 0 0	231 0 0					
	Brought forward,			49,245 0 0					54,318 0 0

No. 5.—BALANCE of GOVERNMENT FUNDS standing to the credit of the LORD CHANCELLOR of IRELAND, LORD CHIEF JUSTICE of the QUEEN'S BENCH, and MASTER of the ROLLS for time being, in trust for "KING'S INNS SOCIETY."

Old 10 per Cent.				New 4 per Cent.				10 per Cent.		
£	s.	d.			£	s.	d.	£	s.	d.
7,000	0	0	1833, May 6.	1833, July 2,	8,400	0	0	74,539	12	3
26,438	9	9	1834, January 1.	1834, January 1,	8,400	0	0	74,539	12	3
29,683	15	9	1835, "	1835, "	8,400	0	0	74,539	12	3
33,134	13	11	1836, "	1836, "	8,400	0	0	56,938	3	3
32,887	11	6	1837, "	1837, "	7,753	16	0	51,539	17	0
32,887	11	6	1838, "	1838, "	7,753	16	0	51,539	17	0
32,742	5	3	1839, "	1839, "	7,753	16	0	51,539	17	0
36,552	6	3	1840, "	1840, "	7,753	16	0	51,539	17	0
41,093	8	1	1841, "	1841, "	7,753	16	0	51,539	17	0
42,673	18	11	1842, "	1842, "	7,753	16	0	51,539	17	0
45,458	18	11	1843, "	1843, "	7,753	16	0	51,539	17	0
49,373	19	7	1844, "	1844, "	7,753	16	0	51,539	17	0
44,876	7	4	1845, "	1845, "	7,753	16	0	51,539	17	0
42,319	16	11	1846, "	1846, "	7,753	16	0	51,539	17	0
32,319	16	11	1847, "	1847, "	7,753	16	0	51,539	17	0
32,319	16	11	1848, "	1848, "	7,753	16	0	51,539	17	0
32,319	16	11	1849, "	1849, "	7,753	16	0	51,539	17	0
32,319	16	11	1850, "	1850, "	7,753	16	0	51,539	17	0
34,570	5	11	1851, "	1851, "	7,753	16	0	51,539	17	0
38,622	5	6	1852, "	1852, "	7,753	16	0	51,539	17	0
38,622	5	6	1853, "	1853, "	7,753	16	0	51,539	17	0
			1854, "	1854, "	7,753	16	0	51,539	17	0

R. R. Both Funds reduced to 2½ per Cent and Consolidated

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For the Governor and Company of the Bank of Ireland,

W. F. Hasecog, Stock Ledger Keeper.

Bank of Ireland, 13th June, 1871.

No 4.—RETURN of the BOSCHERS of their EXPENDITURE for permanent purposes, including all Sums contributed to and for the use of the SOCIETY as "Deposit for Chambers"

The payments made by each attorney "to and for the use of the Society," as deposit for chambers, are stated in the first return to have amounted, from 1794 to 1866, to the gross sum of £35,393

The payments made by barristers to and for the use of the Society as deposit for chambers during the same period amounted to the sum of £53,290, and the subsequent payments by barristers on the same account amount to £1,028.

Each payment so made was a contribution by the individual to the funds of the Society on his admission as a member, and was made under the 32nd rule of the 5th December, 1793, which is as follows:—

32ND. PAYMENTS TO BE MADE TO AND FOR THE USE OF THE SOCIETY

Students, in order to be Admitted—

	Fine	.	.	.	.	.	.	.	.	.	L	s.	d.
Pay	Stamps	"	"	"	"	"	"	"	"	"	5	6	8
	Library	"	"	"	"	"	"	"	"	"	10	0	0
		"	"	"	"	"	"	"	"	"	5	13	9
											£21	0	8

Abbreviations—

Pay	{	Fine . . . . .	.	.	.	.	.	.	£3 6 8
		Stamps . . . . .	.	.	.	.	.	.	19 0 0
		Deposit for chambers . . . . .	.	.	.	.	.	.	29 15 0
									£38 1 8

The deposit for chambers to be allowed when the gentlemen shall purchase from the Society chambers, or the ground to build chambers on—

Teachers—

£11 7 6
G 2

<i>Attorneys at going Apprentices—</i>		<i>£ s. d.</i>
Fine		2 15 4
Being sworn		1 6 8
Deposit for chambers		11 7 6
		<hr/> £12 14 2

Deposits to be allowed as above

When that rule was made the Society was not in fact in possession of any ground on which to build chambers or any other building, as all its lands and houses had been previously taken up by the Government for the purpose of erecting thereon the courts of law.

The land so taken from the Society was known as "The King's Lane," and was formerly the "precinct of the friars, preachers near Dublin," and had been granted to the Society in the reign of James the First for a common hall for ever.

It was, however, intended in 1793 that the Society should acquire lands for a common hall, and for the other purposes of the Society, including ground for chambers, and it was further intended that each member who might become tenant to the Society for chambers should be allowed credit out of the fine on his house or out of his rent for the sum he had paid as "deposit for chambers."

The thirty-fifth to the forty-sixth rules of 1793 were intended to regulate the terms of tenancy and fines. No separate account was kept of the application of the sums received as deposit for chambers. The amount received was treated as forming part of the general funds of the Society, and were added to their other sources of income, and paid into one common account, forming one general fund, out of which all payments on behalf of the Society were made without distinction.

It is not practicable, therefore, to show by this return, as is required, the specific application of that portion of the income of the Society derived from "deposits for chambers," as all payments were made from the common ground fund, which was duly accounted for from time to time.

As the nearest approximation to the information requested by the Commissioners the Benchers proceed to show their expenditures on land and buildings for the common benefit of the two branches of the legal profession, and further to specify as far as practicable such portions of it as were devoted to the exclusive use of the attorneys and solicitors.

In the year 1798, under and by virtue of the statute 38 Geo. III., c. 49, which recites, "That the Society of King's Inns, down to the year 1848, had possessed the present site of the courts of justice," the Benchers purchased suitable ground subject to a yearly rent of £1,209 14s. 2d. in said Act specified, and in 1800 they built thereon the present King's Inns, about one mile distant from the Four Courts, comprising dining hall, kitchen room, and other apartments for both barristers and attorneys, and which have ever since been, and still are, occupied by both professions.

<i>The expense of this erection was—</i>		<i>£ s. d.</i>	<i>£ s. d.</i>
For purchase of under tenants' interests		4,411 15 1	
Buildings		41,000 0 0	
		<hr/>	45,411 15 1

By the statute 54 Geo. III., c. 113, a building then commenced and unfinished running parallel with the present dining hall of the King's Inns, with the site of the said new building, was vested in the Crown free of rent, and it was provided by said Act that no other building should be erected adjoining to or south of said unfinished building.

In the year 1826 the Benchers were anxious to build chambers, and for that purpose procured from the legislature a statute, 7 Geo. IV., cap. 113, repealing so much of the 54th Geo. III. as prohibited building south of the building in said Act mentioned. But the attorneys, by memorial dated Michaelmas, 1830, informed the Benchers that a hall for themselves, with arbitration chambers adjoining the Four Courts, would be more convenient and acceptable to them; and accordingly the Benchers purchased ground adjoining the Four Courts, and erected thereon a hall, arbitration rooms, library, and other apartments for the exclusive use of the attorneys, except the coffee-room underneath, which is used in common by both professions.

The cost of this was as follows, viz. —

Purchase of site	£13,850 14 2	
Building	14,906 2 6	
	<hr/>	28,756 16 8

Possession of these buildings, fully furnished, was given on the 30th May, 1841, and is still retained by the attorneys.

In 1846 a new wing was added to the King's Inns, comprising lecture room for law students and attorneys' apprentices, and retiring rooms for the bar and attorneys respectively, at a cost of

6,452 5 9

A library for the use of both professions has also been erected adjoining the King's Inns, and is maintained and the officers paid out of the funds of the Society, to which the attorneys and their apprentices (the latter subject to certain regulations) have access free of charge, although every barrister on his admission as student pays the sum of £5 13s. 9d.

Carried forward,	<hr/> £35,210 17 6
----------------------------	--------------------

	£	s.	d.
Brought forward,	88,310	17	6
The building of the library cost	11,000	0	0
The Society have expended in the purchase of head-rents	16,500	0	0
They have also erected at the Four Courts a building for counsel chambers and other purposes, about one-half of which last-mentioned building they offered to the attorneys for their exclusive use at a nominal rent, so as to retain the legal estate in the Benchers which they could not properly part with. The statute 29 & 30 Vic. c. 84, by which the Incorporated Society was constituted, not containing any provision for the transfer of any property from the Benchers to the Incorporated Society.			
The cost of this last-mentioned building was	14,706	0	4
The Benchers also purchased a house for the accommodation of their officers, known as the library house, and adjoining their library, at a cost of	1,200	0	0
	<u>£125,716</u>	<u>17</u>	<u>10</u>

Commons have always been and still are provided in the dining hall for the barristers and students, and such of the attorneys as were admitted previous to 1866, at a charge less than the actual cost to the Society.

The above-mentioned offer of additional accommodation to the attorneys was upon occasion of an application by a portion of the profession of attorneys, called "The Incorporated Society," for more accommodation, and it was refused by them although the apartments so tendered were sufficient for the declared requirements of the applicants and adjoined the apartments already occupied by them, and the Benchers proposed to put the premises in perfect order.

The above-named Incorporated Society appears from the directory to have comprised 417 persons only in the year 1870, whereas the whole number of attorneys then amounted to 1,163, and the whole body, except those admitted since 1866, are still members of the Society of King's Inns, and entitled to all the advantages and liable to all the duties of such membership.

The foregoing expenditure having been made without objection for the benefit of and with the consent of the members of the profession of attorneys from time to time, it seems unreasonable that any claim should now be made except for accommodation in such buildings, and this has never been denied.

No money has ever been expended by the Benchers except what has been regularly accounted for in the books of the Society by their officers.

The barristers have paid under the head of "Chambers" £54,318, and they have never got or claimed any exclusive advantages except the library in the Four Courts, furnished by themselves, whilst the attorneys, in addition to the common use of the dining hall and King's Inns library, have got the exclusive enjoyment of a hall and library, of their own consultation rooms, lecture rooms, and other apartments.

A schedule is appended showing the receipts and permanent expenditure as above referred to, together with an abstract of the fixed yearly income and outlay of the Society.

Schedule above referred to.

	£	s.	d.		£	s.	d.
Amount received from attorneys	55,293	0	0	Costs of buildings at King's Inns	43,000	0	0
Do. do. from barristers	54,318	0	0	Purchase of ground at Four Courts	13,530	14	2
				Building at present occupied by attorneys, including coffee-rooms	14,904	2	6
				Purchase of head-rents at King's Inns	16,500	0	0
				Purchase of tenants' interests at King's Inns	4,411	15	1
				Benchers' building and law library for bar	14,706	0	4
				Library at Henrietta-street	11,000	0	0
				New wing at King's Inns, being lecture rooms and retiring rooms for barristers and attorneys	6,463	5	9
				Purchase of library house for officers	1,200	0	0
	<u>109,611</u>	<u>0</u>	<u>0</u>		<u>125,716</u>	<u>17</u>	<u>10</u>

The only certain fixed income of the Society of King's Inns arises from the dividends on Government New Three per Cent Stock, the amount received in 1870 for dividends being £1,511 4s 7d, and rents amounting to £181 10s 4d, less rates and taxes, whilst the Society are liable to head-rents and taxes amounting to £708 2s 10d., and officers' and servants' salaries and wages amounting to £1,157 9s 11d. This is totally irrespective of the heavy annual outgoings for keeping the premises in repair, and supplying coals, gas, and general maintenance of establishments, which amount to about £1,000 a year.

No. 5.—GROSS ANNUAL INCOME received by The Honorable SOCIETY of the KING'S INNS from HILARY TERM, 1794, to the end of TRINITY TERM, 1866.

	£	s.	d.		£	s.	d.		£	s.	d.
1794*	15,271	3	10½	1830	7,322	2	2	1846	5,094	5	7
1795	6,203	10	6	1831	7,945	15	8	1847	5,435	17	1
1796	6,316	10	7	1832	7,110	2	0½	1848	5,961	5	1½
1797	6,774	17	7½	1833	7,273	6	5	1849	6,732	1	11
1798	5,335	5	10	1834	9,177	9	8	1850	6,547	3	6½
1799	3,193	5	8	1835	7,598	1	5	1851	5,969	5	3½
1800	5,777	11	7	1836	8,338	19	2½	1852	5,910	3	6½
1801	4,544	18	9	1837	8,619	13	0	1853	5,316	11	6½
1802	2,847	17	5	1838	8,688	15	9	1854	5,853	14	8
1803†	4,596	0	7½	1839	9,182	12	7	1855	5,713	6	1½
1804	2,864	0	2	1840	10,058	15	4½	1856	5,304	15	8
1805	5,063	17	11	1841	9,443	3	3½	1857‡	5,351	5	11
1806	4,218	13	4	1842	10,389	8	0½	1858	5,440	18	0
1807	2,971	5	5	1843	12,319	10	10	1859	5,353	13	2
1808	3,516	10	4½	1844	12,076	0	3	1860	5,287	1	2
1809	3,844	9	4½	1845	11,753	6	9½	1861	5,369	17	4
1810	4,175	14	11½	1846	12,453	5	5½	1862	5,603	11	6
1811	3,738	8	5	1847	9,594	12	10½	1863	5,301	16	6
1812	5,290	11	3½	1848	14,933	14	9½	1864	5,291	17	6
1813	5,635	17	6½	1849	11,056	17	6½	1865	6,808	13	8
1814	7,156	2	6	1850	12,398	1	6½	1866 to Trinity Term.	5,035	0	10
1815	8,180	19	0	1851	11,190	19	2				
1816	4,763	17	9	1852	11,319	12	2				
1817	4,665	19	2½	1853	11,742	19	3				
1818	7,729	10	4	1854	9,795	2	10½				
1819	6,578	18	3½	1845	10,975	4	1				
									533,299	12	7

* The Income in that year was unusually large, on account of arrears being received from the Stamp Office, in respect of additional stamps on Attorneys' Indentures.

† The Accounts of Hilary Term, 1802, and Hilary 1804, are wanting, in consequence, it is believed, of the death of Wm. Goldbeck, esq., the then Treasurer.

‡ The amounts for the years 1857 to 1865, both inclusive, are taken from the Parliamentary Returns of the year 1866, which is substantially correct.

No. 6.—REPLIES to REQUISITIONS of the KING'S INNS COMMISSION of INQUIRY.

Requisitions of the Royal Commissioners, per Michael J. Barry, esq.	Observations and Replies on behalf of the Hon. Society of King's Inns.
1. Gross annual income received by the Honorable Society of the King's Inns, from Hilary Term 1794, to the end of Trinity Term 1866.	Return sent herewith, marked No. 1.
2. Map or plan, or measurement of the site purchased by the Benchers at the Four Courts for £13,536, specifying the portions occupied by buildings erected by the King's Inns Society.	Map sent herewith, marked No. 2.
3. Date of erecting Library,	Commenced in 1826, and opened in 1831.
4. Purchase of Head rents,	£10,800 purchase-money for Head-rent of £373 16s 4d, paid in Hilary Term 1847; Conveyance dated 19 May, 1849; Conveyance of Head-rent of £116 18s 5d, dated 12 April, 1848, for which £3,315 8s 9d was paid; like of Head-rent, same amount, dated 31 July, 1860, for which £3,500 was paid.
5. Erection of Benchers' Council Chambers,	Commenced November, 1843; opened Trinity Term 1845.
6. Purchase of Library House,	4th July, 1855, amount of purchase-money £400. Expenditure in putting the premises in repair, &c., £606 17s. 3d.

No. 7.—REPORT of the STANDING COMMITTEE, specially summoned and met on the 14th day of February, in the year 1820, at the King's Inns.

The Benchers having been specially summoned to attend a meeting of the Standing Committee on this day for the purpose of taking into consideration the building of chambers, the undersigned Benchers have accordingly met, and fully considered the subject.

They beg leave to report to the Benchers that it is their decided and unanimous opinion that it would be manifestly just and highly expedient for the interests of the Society to erect two buildings, consisting of six sets of chambers each, as delineated in the plan annexed, as a commencement of a general plan of building chambers, to be realised and executed in the manner and subject to the suggestions which they beg leave to offer for the consideration of the Benchers at large. It appears to the committee that since Easter Term, 1792, the Society has required and received from each barrister called, a deposit of twenty guineas for chambers, and from each attorney sworn and admitted a deposit of ten guineas for chambers. That the gross amount of these receipts, calculated in a general manner, and subject, of course, to some errors, commencing Easter Term, 1792, and ending Michaelmas Term last, would amount to the sum of £44,174 13s. 3d., that deducting thereout the gross amount of the sums expended by the Society on buildings, calculated in a like general manner, and subject to like errors, and including therein the sums appropriated for the erection of the library now in progress, the balance appears to be a sum of about £15,074 5s. 2d., without calculating the rents arising from the dividends received upon investments.

That upon an average of ten years, ending the first day of the present Hilary Term, the annual income resulting from these deposits for chambers amounts to the sum of £1,352 8s. 7½d., Irish currency.

That it appears to the committee that the said balance of £15,074 5s. 2d., and the said annual income, which will not probably decrease, are both funds which it would be just in the Society to apply to the object under consideration, and that it would be highly advantageous and expedient for the Society to apply part of its other funds, if it were necessary, to this purpose.

That it appears to the committee that the Society are paying an annual rent of £1,120 18s. 9d. British currency out of these premises held by the Society at Henrietta street, exclusive of the rent payable for the premises where the library building is now erecting, but that, while the Society is subject to this heavy outgoing rent, all the rest of the ground unoccupied by the hall, and the Prothonotary Court, and record office, is waste, and not merely unproductive, but in such a state of disorder and neglect as to be disgraceful to a public body, having funds properly applicable to make and keep it in suitable order.

That the principle of the suggestions which the committee beg leave to offer is this, that it would be expedient, by a due application of part of the funds of the Society to the purpose of building, to commence a system of improvement which would render this ground, thus waste and unproductive, and out of which so large a head-rent is payable by the Society, a source of permanent and regular income, in yielding ground rents to the Society, while it would realise the objects for which the deposits already mentioned have been hitherto, and still continue to be received.

That the course which it appears most eligible to the committee to recommend is that the Society should apply part of its funds to the erection of two buildings, consisting of six sets of chambers each, already mentioned, according to the plan annexed, one building for the bar members of this Society, and the other building for the attorneys members of this Society, and should let these chambers to members of the Society upon payment of a given scale of fines and rents, and should then proceed to advertise and let the remaining building sites of the said ground to persons disposed to invest their capitals in continuing similar buildings

to be erected and built according to these two model buildings so as to render the line of these buildings, which would have the newly projected line of a new street in front of them, similar and uniform, and by reserving a reversion and reasonable ground rents out of such sites, and by proper covenants and stipulations to secure that these chambers should only be let to members of this Society, after a previous approbation of the Society, entered in their books in a manner to be specially provided, and regulated by a system of rules and regulations for the purpose.

That the committee have obtained the annexed plan and general estimate of these two buildings, intended as a commencement, and model buildings, from Frederick Darley, jun., esq., the architect employed by the Society in superintending the building of the library now in progress, for which they have ordered him the sum of £10 10s.

That the sum computed for completing the said two buildings is the sum of £8,000, as stated at the foot of the plan, and that the return on which the Society may reasonably calculate, as the committee think, would be, first, a repayment of part of this capital thus invested, in fines for the said chambers, which may be reasonably estimated at some sum between £3,500 and £4,000, and secondly, the rents reserved upon these chambers.

That the immediate repayment of part of the capital and permanent income to the Society appear to the committee as the immediate and probable result of such an application of part of the capital of the Society, and that the pecuniary consequences likely to result would be that the remaining ground, now wholly unproductive, would yield a permanent income in well secured ground rents, which would be available, at all events, in part liquidation of the heavy head rent of £1,120 18s. 9d. British per annum paid by the Society for this ground, new waste and unproductive.

That, considering the subject abstracted from mere pecuniary views, the adoption of such a plan of buildings appears to the committee as likely to produce such convenience to the members of both professions, and respectably conducive to the advancement of professional knowledge and regular habits of business, that such an improvement is also likely to unite with and form a leading part in the plan which the committee understand to be under the consideration of the Commissioners of Wide Streets for opening a wide and convenient passage from Constitution-hill to the Four Courts by presenting a very suitable opportunity for opening a new street through the ground of the Society to Henrietta street.

The committee further beg leave to suggest that if the Society shall adopt the suggestions of the committee on the subject, it will become expedient to revive the rules as to chambers contained in the printed book of rules of the Society printed in 1794; and that it will be further expedient, in order to promote the interests of the Society to their full and just extent, in letting parts of the sites for buildings in this waste ground already described, to apply to Government to submit to the wisdom of Parliament to modify or repeal the 3rd section of the 56th of his late Majesty George III., cap. 113, whereby it is enacted that it shall not be lawful for the Society or any person whatsoever to build upon any of the said ground to the south of the said premises thereby vested in His Majesty, but that the same shall continue and remain unbuilt upon.

That this provision would exclude the Society from building upon part of the premises, but that upon inspecting the map and the projected new street, there appears to be the strongest reason for thinking that no difficulty could arise, nor objection be made, to repeal or modify this clause.

WILLIAM McMAHON.	ROBERT TORRERS.
ARTHUR MOORE.	THOMAS ELLIS.
WILLIAM JOHNSON.	THOMAS BAILL.
CHARLES BYRON.	

No. 8.—MEMORIAL of the COMMITTEE of the IRISH LAW SOCIETY on behalf of the ATTORNEYS

TO THE RIGHT HONORABLE AND HONORABLE THE BENCHERS OF THE HONORABLE SOCIETY OF KING'S INNS.

THE MEMORIAL of the COMMITTEE of the IRISH LAW SOCIETY on behalf of themselves and the profession of Attorneys.

Your memorialists respectfully submit that the erection of chambers suitable to the accommodation of their profession has long been an object of interest with the Society of the King's Inns, as evinced by their rules and the formation of a fund from payments made by attorneys, upon being admitted members of this Society.

From the report made by the Benchers in the year 1826, and from other sources, your memorialists have ascertained that there are now funds under the control of the Society which are fully adequate to the purchase of ground and the erection of such chambers.

With a view to the speedy attainment of this important object, they have made inquiries respecting ground which would be desirable as a site, and find that a space sufficient for the purpose may be obtained at the site of the Four Courts, the eligibility of which (on every point of view) surpasses that of any other situation.

Under these circumstances your memorialists humbly submit to the consideration of the Benchers not only the necessity but the propriety of applying as much of the funds so raised and accumulated in the hands of the Society as will be sufficient to purchase the ground to which allusion has been made, and thence erect sufficient and convenient chambers for their profession, according to such plan as may be thought advisable by the Society; and your memorialists hope that you will be pleased to intimate to them the result of your consideration of this their most respectful memorial.

JOSIAS DUNN, President.
THOMAS LELAND, V. P.
WILLIAM FRANKS, V. P.
WILLIAM FURLONG.
WILLIAM H. CARROLL.
WILLIAM GODDARD.
WM. BAILEY WALLACE.
RICHARD LIVERAT.
RICHARD J. T. OUFES.
WILLIAM JOHN MOORE.
WILLIS H. MCKENNEY.
MATHEW BARRINGTON.

JOHN CHAMBERS.
NATHL. MONTGOMERY.
WILLIAM GAINWAY.
JOHN THOMAS KILL.
JOHN THOMPSON.
JOHN JAMES HICKMAN.
THOMAS BEARLEY.
WM. CALDWELL HOGAN.
JOHN NORMAN.
LEONARD DODDING.
WILLIAM FORD.
J. NEWCOMER, Sec.

No. 9.—LETTER of Mr. FREDERICK DARLEY, Architect.

At a meeting of the Irish Law Society held on Wednesday, the 19th instant, for the purpose of considering the subject of erecting a hall and arbitration chambers for the accommodation of their profession—

It was agreed that I should communicate to the Honorable the Benchers of King's Inns, on their meeting this day, the objects the Irish Law Society have in view, and which are in substance as follows—

1st.—The purchasing of the ground round the courts for the purpose of erecting chambers.

2nd.—Their intention of memorializing the Benchers of King's Inns to erect on such part of this ground as they may think best suited to the purpose, a hall and arbitration chambers for the accommodation

of the attorneys, and that the site of ground on which this building will stand to be purchased by the Benchers of King's Inns, in order that it shall become the property of their Honorable Society.

I beg leave to remark that the committee of the Irish Law Society thought it right that I should make this communication, as I had been directed to assist them in ascertaining whether there is at this moment any ground around the courts, the property of the Society of King's Inns, on which this hall could be erected, and which I have to report that there is no space eligible for any building purpose.

FREDERICK DARLEY, jun., architect.
King's Inns, January 22nd, 1841.

No. 10.—REPORT of the BUILDING COMMITTEE respecting the APARTMENTS to be allocated to the ATTORNEYS and SOLICITORS, and respecting the Arbitration Rooms, and the payment of the Bills for furnishing the same.

We have this day (May 18th, 1841) inspected the three rooms intended for the accommodation of the attorneys and solicitors.

We find that they are now fitted up, furnished and ready for occupation. We recommend that possession may be delivered to such members of their body as they may appoint to receive the same, to be held for the use of the profession at large, subject to such regulations as the Benchers from time to time may think proper to make respecting the same.

We have also inspected the four arbitration rooms, and we find them also ready for occupation, and we recommend that a discreet and trustworthy person be appointed to the care of said apartments, who is to have the control and management of them, subject to such regulations as the Society of Benchers may think proper to adopt.

That such person provide fire and pens and ink for such barristers, solicitors, and attorneys as may require the use of such apartments, and that such caretaker be remunerated in the following manner, viz., by charging such persons as may engage such apartments for the purpose of arbitration or consultation 2s 6d for the first hour and one shilling for every succeeding hour during which they may occupy the same, all such payments to be made in advance.

We also recommend that the bills for the furniture of the attorneys and solicitors' apartments, for the

arbitration rooms, and for the coffee room, as certified by Mr. Owen, the architect, and Mr. Dehla, the under treasurer, amounting in whole to the sum of £161 5s 3d, as due to Mr. Jones, the upholsterer, be discharged by the treasurer.

Received the possession of the three rooms intended for the accommodation of the solicitors and attorneys this 29th day of May, 1841.

JOSIAS DUNN,
MATHEW FRANKS,
SAMUEL KNOX,
ALEXANDER MONTGOMERY,
WM. GODDARD.

Be it remembered that on this 29th day of May, 1841, the possession of the three rooms called the solicitors' rooms, in the new buildings at the Four Courts, was delivered up to Josias Dunn, Matthew Franks, Samuel Knox, Alexander Montgomery, and William Goddard, for the use of the profession of solicitors and attorneys, generally. The report of the Building Committee adopted by the Benchers on the first day of the Trinity Term having been communicated to them by me, and a receipt signed by the above named solicitors and attorneys.

COSWAY E. DODDS, Under Treasurer.

No. 11.—BENCHERS' PROPOSAL.

"King's Inns, 10th June, 1870.

"MY DEAR SIR,—In answer to your communication of the 22nd January last, enclosing a statement of claim submitted by the Council of the Incorporated Society on the part of the attorneys and solicitors of Ireland to funds in the hands of the Benchers, I am directed to state that upon full consideration of the matter the Benchers are of opinion that the attorneys and solicitors of Ireland have no valid claim to a return of the deposits alluded to in the statement.

"As to the apartments required by the Council, I am directed to say that the Benchers are willing to make arrangements by which the attorneys and solicitors shall have the use of the apartments tinted

yellow in the accompanying plans, on the first and second floors of the Benchers' building.

"This portion of the building being at present unfurnished, and without any proper means of approach, the Benchers will be prepared to complete it (not including fittings up, painting, papering, or decorations), and connect it with the apartments now occupied by the Incorporated Society.

"I am, my dear sir, very sincerely yours,

"JOSEPH D. O'HANLON

"John H. Goddard, esq., secretary,
Incorporated Society."

No. 12.—CAPITAL ACCOUNT and BALANCE SHEET of King's Inns Society for A.D. 1870.

KING'S INNS SOCIETY.

CAPITAL ACCOUNT.

1870			
1st January.	New Three per Cent. Government Stock, in Names of Lord Chancellor, Lord Chief Justice, and Master of the Rolls.	-	448,846 19 10
	New Three per Cent. Government Stock, in Names of Master of the Rolls and Master of the Exchequer.	42,420 1 1	
December.	By Purchase Do., Cash £772 18s 7d.	777 4 8	
			3,267 5 9
			<u>452,114 5 7</u>

BALANCE SHEET FOR THE YEAR 1870.

Dr. January 1, 1870.	£ s d	Cr.	£ s d
To Balance on last Account.	1,522 7 11	Salaries of Officers.	417 18 7
Fees on Admission of Barristers.	1,282 16 3	Wages of Servants and Hall Porter.	322 11 4
To do—Students.	1,113 11 4	Salaries of Law Professors, including Students' Fees.	472 0 0
Dividends of Stock.	1,511 4 7	Prizes at Examinations.	43 0 0
Rents.	911 1 4	Boats and Taxis.	783 2 59
Appropriated Profits.	1,673 0 0	Commons.	403 14 6
Library Grant.	488 6 8	Wines.	73 14 3
Grant for Hall Porter and Tipton.	450 0 0	Books and Binding.	590 8 8
Benchers' Subscriptions.	282 0 0	Renewal of Lease of Flower Park.	45 8 10
Do. Entrance.	23 10 0	Return Fees.	29 2 4
Wash Money and Sundries.	41 9 4	Incidental Expenses, including Coal, Gas, Clothing for Servants and Hall Porter, Repairs, Stationery, Printing, and General Maintenance of Establishments.	1,081 17 7
Interest on Deposit and on Balances at Bankers.	17 14 1		<u>5,166 19 1</u>
	<u>47,951 2 6</u>	Purchase of £777 4s 8d. New Three per Cent. Government Stock.	775 18 7
		Balance to next Account.	<u>2,081 4 4</u>
			47,951 2 6

JAMES A. LAWSON, Treasurer.

To Balance in Hands 2nd January, 1871, £2,081 4s 4d.

January 5, 1871.

No. 13.—FORM OF RECEIPT to ATTORNEYS on ADMISSION as MEMBERS of King's Inns Society.

Term.

I CERTIFY that
Member of the Honorable Society of the King's Inns.

Gent., has paid his FINE and FEES as a

Given under my Hand this day of 18

UNDER TREASURER,
King's Inns.
H

No. 14.—PROTEST of the BENCHERS.

"The Benchers of the Honorable Society of the King's Inns hereby respectively protest against the Incorporated Society of Attorneys and Solicitors of Ireland being permitted to interfere in any manner in reference to the first branch of the inquiry directed by Her Majesty's Commission, that is to say, the inquiry 'as to the total amount of the sums received by the Honorable Society of the King's Inns, Dublin, upon the admission of attorneys and solicitors as deposit for chambers, and in what manner the same or any part thereof has been applied and disposed of, and whether any and what portion of the amount remains unappropriated to the purposes for which it was received.'"

"The following are the grounds upon which the Benchers make this protest:—

"First.—Because the Incorporated Society never contributed any portion of the money received to and for the use of the Society of the King's Inns under the name of deposit for chambers.

"Second.—Because the Incorporated Society consists of only about 429 out of about 1,159, which is the total number of the attorneys and solicitors of Ireland, and has no right in this matter to represent the entire body of the members of those professions.

"Third.—Because the members of the Incorporated Society having first procured a charter of incorporation, that body afterwards applied for and procured an Act of Parliament, 29 & 30 Vic, c. 84, conferring upon it certain important privileges, but not transferring to it any part of the property or funds of the King's Inns, and having thus for its own purposes and of its own accord freely separated itself from the control of the Society of the King's Inns, the Incorporated Society has no right, after the lapse of years, to claim the money of an institution from which it has voluntarily withdrawn.

"Fourth.—Because even supposing it possible that

after their long acquiescence, the individual attorneys and solicitors who made payments to and for the use of the Society of King's Inns under the name of deposit for chambers, could now have any right to question the application of those funds, the Incorporated Society has no such right.

"Fifth.—Because all existing attorneys and solicitors who have contributed payments to and for the use of the Society of King's Inns under the head of deposit for chambers, of whom there are about 1,045, are still members of the Society of the King's Inns, and are individually entitled to enjoy, and many of them do in fact enjoy its privileges and advantages as fully as if the Incorporated Society had never existed, and such of the members of the Incorporated Society as have not made any such payments (having been admitted under the present system) have no rights whatever in relation to the funds of the King's Inns.

"Sixth.—Because by far the largest part of the sums received to and for the use of the Society of King's Inns under the name of deposit for chambers, was contributed before the Incorporated Society came into existence, and by persons many of whom were never members of it, and are long since dead. Whatever rights, therefore, of inquiry or otherwise, might be supposed to have devolved upon their respective personal representatives at their decease, the Incorporated Society have no such rights.

"Whilst feeling it is their duty to enter this protest for the above reasons, the Benchers beg to repeat that they are, as they have been hitherto, anxious to afford to the Commissioners all the information and assistance in their power in reference to the subject of their inquiry.

"By order,

"JOHN D. O'HANLON, Under Treasurer

"King's Inns, 13th November, 1871."

No. 15.—STATEMENT of the COUNCIL of the INCORPORATED SOCIETY of the ATTORNEYS and SOLICITORS of IRELAND, furnished to the ROYAL COMMISSIONERS pursuant to their request in reference to the question "Whether the Incorporated Law Society are in possession of suitable buildings for the accommodation of that Branch of the Profession, of which they are the Governing Body."

In order to enable the Royal Commissioners to form a judgment of the extent of accommodation required by the profession of attorneys and solicitors, the Council of the Incorporated Law Society respectively state the purposes for which the accommodation is required.

Every Irish attorney or solicitor is eligible as a member of the Society, which at present numbers about 450 members.

The governing body of the Society is the Council, which is elected annually at a general meeting of the whole Society, and consists of thirty-one members, viz:—

The President, two Vice-Presidents, and twenty-eight other members.

In addition to the members, between 120 and 150 apprentices and students are entitled to accommodation for reading, examinations, lectures and other purposes.

The officers of the Society are—

1. The Secretary

2. The Special Examiner of candidates seeking to become apprentices, and who, in conjunction with the Court of Examiners after mentioned, also examines all candidates for apprenticeship, as well as for admission as attorneys and solicitors.

3. The Professor of Law, who delivers lectures to apprentices, and holds occasional examinations at the end of each course of lectures.

4 and 5. Two clerks in Secretary's department.

6. The Librarian, who has the charge of the Library,

to which all the members of the Society, and all apprentices and students who subscribe have access, and have a right to use.

7. A caretaker of the buildings.

8. A messenger.

The Society holds two general meetings in each year, and occasionally special general meetings (both of the Society and of the whole profession) are convened by the Council. All such meetings are held in the Solicitors' Hall, which is a suitable place for them.

The Council.

The powers conferred on the Council appear by the Royal Charter, and the Act 29th & 30th Vic, cap. 84. The Council have the entire management of the Society, and of its income and property, and have the right of appointing the Secretary, Librarian, and other officers.

The Council hold a stated meeting on every Wednesday, except in the months of August and September, and part of October, and have no place of meeting except the room which is used as the Secretary's office, which is a room measuring sixteen feet by fourteen feet two inches, unadorned with a great quantity of the books and documents of which the Secretary has charge, and for which he has no place except this office, in which there is not space for even a press, and which is utterly inefficient and unsuitable for the purposes to which it is at present applied. The entrance to this room is through the clerk's office.

There are five permanent committees of the Council, and all are obliged to meet in the same Secretary's office. Each of these committees consists of ten members, and their duties are divided as follow:—

Committee No. 1 has in its charge all matters relating to "equity, conveyancing, and the Landed Estates Court."

Committee No. 2 has in its charge all matters relating to "common law, bankruptcy and insolvency."

Committee No. 3 has in its charge all matters relating to "Parliamentary business, courts," &c.

Committee No. 4 has in its charge all matters relating to the "Library and to the financial business and accounts of the Society."

Committee No. 5 is the education committee. This committee must examine all papers and documents lodged by every person seeking to become apprentice to an attorney, and see that they are in accordance with the Solicitors' Act (Ireland), 1868, and with the rules of the Judges made under this Act. This committee has the supervision of the lectures and examinations.

There are also occasionally special committees for extraordinary purposes, such for example as providing for the interest of the Society in the present differences with the Benchers, and all such special committees are also obliged to meet in the Secretary's office.

There is also a Court of Examiners annually appointed by the Judges from amongst the Council pursuant to section 24 of the Act, consisting of fifteen members in addition to John F. Goodman, esq., &c., the special examiner, and this Court of Examiners superintends and conducts all the examinations of apprentices and candidates for admission and prize.

The Secretary's Office

The duties to be discharged by the Secretary and his office clerks previously to and since the passing of the Attorneys Act, 1865, are as follow:—

Keeping the minutes of the proceedings of the Council, Committees, and Court of Examiners.

Keeping of the books of the Society, consisting of the members' books, apprentices' books, arbitration book, and the registers and records of the Society.

Keeping the accounts of the Society, collecting the subscriptions and other payments.

Preparing the lists of members, voting papers for elections, advertisements, notices for meetings of the Society, Council, and Committees.

Attending at all meetings.

Preparing the reports, investigating all cases brought by the Society before the courts as to misconduct or breach of rules by attorneys and solicitors, instructing counsel and preparing briefs, and generally attending to the correspondence of the Society.

Before the passing of the Solicitors' Act the business of the Secretary's office gave constant employment to the Secretary and one clerk, and by the passing of that Act the duty of superintending the education and registration, and of seeing to the conduct of the whole profession (the greater portion of which prior to the passing of that Act was discharged by the Society of the King's Inns), has been thrown upon the Incorporated Society, necessitating the employment of an additional clerk, and imposing the following additional duties on the Secretary and his office clerks:—

Keeping the registers of attorneys' apprentices and enrolling their indentures, &c.

Distributing, collecting, and examining the memorials of intending apprentices, previously to their attending the preliminary examinations, and seeing that the documents required by the Act of Parliament and Judges' rules are lodged therewith.

Receiving and keeping accounts of the fees prescribed by the Act.

Preparing the lists of candidates for each preliminary and final examination, seeing to the calculation of stamp duty, and observance of the rules by all apprentices.

Filing their certificates after passing each examination.

Distributing, collecting, and examining the forms of application of all apprentices and others seeking admission as attorneys, and ascertaining that each candidate is qualified to attend at final examination.

Keeping the register of the attendances at lectures, and giving notice of and attending all examinations.

Obtaining the required returns from all apprentices and their masters before admission as attorneys, and generally checking all the papers of candidates for admission, and superintending the business of the education of the profession.

Examining all declarations for the purpose of obtaining annual certificates (which under the 54th section of the Act must be prepared in duplicate), and filling up about 1,200 annual certificates of attorneys to practice, all of which have to be signed by the Secretary, sealing some with the common seal of Society, and distributing these certificates to the profession, a most arduous duty which is imposed by the statute on the Society, and is now of the greatest importance, as no attorney is qualified to practice unless he annually takes out his certificate from this Society.

At present the distribution of these certificates must be made in the clerks' office in the space behind the partition which divides the passage into the council room from the rest of the room. This space, in which the secretary and his two clerks have to work when the council room is otherwise engaged, is about eight feet by four feet.

It is also the duty of the Secretary to enter the names of all attorneys who have taken out annual certificates in the registry kept for that purpose, pursuant to 31st section of the Act, and to see as far as possible that no attorney is allowed to practice who has not taken out his license, and that no other infractions of the statute by the profession throughout Ireland are permitted.

In all such cases which occur, the Secretary, under the direction of the Council, has to instruct counsel, prepare briefs, and bring the matter before the Courts.

The business of the Secretary's office now affords constant and full employment for the Secretary and his two clerks, and the books, registers, and other documents which must be kept are of very great and increasing extent, and, except the Secretary's office already referred to, and the senior clerks' office, which measures fifteen feet two inches by thirteen feet three inches, including the passage to the council room, there is no accommodation whatever for the performance of all this important business.

Lectures and Examinations.

The lectures are delivered by the Professor of Law in the Solicitors' Hall. The business of each year is divided into three sessions. The first, or Michaelmas session, begins in the first week of November, and consists of twelve lectures. The second, or Hilary session, begins on the first day of Hilary Term, and consists of twelve lectures. The third, or Easter session, includes Easter and Trinity Terms, and consists of eighteen lectures, and three-fourths of the whole must be attended by each apprentice. These lectures are delivered on Monday and Thursday mornings, and they are usually attended by between 120 and 150 apprentices. Owing to the Council not having any apartment sufficiently large to hold the number of apprentices who attend the lectures they are at present held in the Solicitors' Hall, to the great inconvenience of the members of this Society, who are prevented from having access to their presses and papers, or from writing in the hall during the lectures, and the officer having care of the building is obliged to rearrange the furniture of the hall both previously to and after each lecture.

Examinations.

There are four examinations held in each year, viz.—Hilary Term, Easter Term, Trinity Term, and Michaelmas Term, at which candidates for apprenticeship and candidates seeking to become attorneys and solicitors, and candidates for prize present themselves.

There are three classes of examination, the preliminary, final, and prize examinations, and all are held, for want of a suitable lecture and examination room, in the Solicitors' Hall. The average number attending the preliminary examination is thirty, and the average number attending final examination is twenty. These examinations occupy four days in each term, and another day is spent in deciding upon the candidates' marks and declaring the result. The greatest possible inconvenience is caused by the hall being necessarily occupied (to the exclusion of members) for examinations as well as lectures.

Arbitration and Consultation Rooms.

There are only two rooms in the whole precincts of the Four Courts appropriated for holding arbitrations and consultations. The average number held during the business season in each year is about 150; but owing to want of accommodation many of these meetings are necessarily held in the Judges' private chambers, which can only be had on payment to the court-keepers, and at hours when the Judges have left the Four Courts, thus causing great discomfort and delay to suitors and clients. There is not in the possession of the Society any room suitable for an arbitration in which witnesses are to be examined, and the want of such a room is a very great injury and inconvenience.

The two rooms above referred to measure respectively sixteen feet two inches by fifteen feet and sixteen feet seven inches by fifteen feet, and are quite too small for any arbitration or consultation attended by more than ten or twelve persons, and they are not convenient even for that number.

At present a number of those who ought to be in attendance, and who often include professional witnesses, surveyors, &c., are obliged to wait outside in the passages until called in one by one, as the counsel and attorneys for the various parties and the arbitrators fill the room sufficiently.

The rooms in the possession of the Society are the same which they had before any of the additional duties of providing for education and for the supervision of the whole profession were imposed on the Society by the statute.

All the rooms in the possession of the Society are as follow:—

The Solicitors' Hall, which is required for the use of the members, for affording places for keeping their papers and documents, without which each attorney would be obliged to carry all his papers to and fro between his office and the Four Courts on each day—and for a reading-room. It is suitable also for the general meetings of the Society.

Two Arbitration Rooms which, as before stated, are quite too small for the purpose to which they are devoted.

The two small rooms used as the Secretary's office and clerks' office, as already described on pages 3 and 8.

Five of the apartments in the basement, occupied by the caretaker and his family. And the library, and a room off it on the second floor, are the only other rooms in the possession of the Society.

The Library, measuring 25'0" x 16'2", is quite insufficient for the purpose, as the stock of books in the possession of the Society is increasing every day and the room is too small to accommodate any number of readers. This inconvenience has been much felt, especially during the past year, in the course of which the Library has been used on 1,408 occasions.

The Council respectfully refer to the annexed lists of the present rooms, with their sizes, and of the rooms required.

List of rooms in Solicitors' Buildings in possession of Incorporated Law Society:—

GROUND FLOOR.	
Council Room, . . .	16'0" x 14'2"
Office, . . .	15'2" x 13'4"
Arbitration Room No 2	16'7" x 15'0"
FIRST FLOOR.	
Solicitors' Hall, . . .	78'0" x 43'0"
No. 1 Arbitration Room,	10'2" x 15'0"
SECOND FLOOR.	
Library, . . .	35'0" x 16'2"
Room off Library, . .	16'2" x 15'0"

In addition to the foregoing there are in the underground story five apartments occupied by the caretaker and his family, of the following relative dimensions, viz:—

15'8" x 13'10"
14'10" x 12'6"
16'7" x 10'14"
14'10" x 15'0"
14'10" x 9'5"

List of additional accommodation required:—

A Council Room,
A Library,
Committee Rooms,
Arbitration Rooms,
Consultation Rooms,
Lecture and Examination Rooms,
Lavatory, Waterclosets, &c.

It is right to add that the Professor of Law has frequently complained to the Council of this Society of the unsuitable nature of the Solicitors' Hall for holding his lectures and examinations in, on account of the peculiar method of its construction, which at present precludes the possibility of arranging the spectators attending at lectures in any sort of order, as they get into the niches into which the hall is at present divided, and it is therefore most difficult to engage their attention and overlook them during the progress of the lectures.